

MISSING WHITE HOUSE E-MAILS: MISMANAGEMENT OF SUBPOENAED RECORDS

HEARINGS

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

MARCH 23, MARCH 30, MAY 3, AND MAY 4, 2000

Serial No. 106-179

Printed for the use of the Committee on Government Reform



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MISSING WHITE HOUSE E-MAILS: MIS- MANAGEMENT OF SUBPOENAED RECORDS— DAY ONE

THURSDAY, MARCH 23, 2000

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 10:10 a.m., in room 2154, Rayburn House Office Building, Hon. Dan Burton (chairman of the committee) presiding.

Present: Representatives Burton, Morella, Horn, Mica, Davis of Virginia, Souder, Scarborough, LaTourette, Barr, Hutchinson, Biggert, Ose, Chenoweth-Hage, Waxman, Mink, Maloney, Norton, Cummings, Kucinich, and Davis of Illinois.

Staff present: Kevin Binger, staff director; James C. Wilson, chief counsel; David A. Kass, deputy counsel and parliamentarian; Mark Corallo, director of communications; Pablo E. Carrillo and M. Scott Billingsley, counsels; Jason Foster and Kimberly A. Reed, investigative counsels; Kristi Remington, senior counsel; Robert Briggs, deputy chief clerk; Robin Butler, office manager; Leneal Scott, computer systems manager; Lisa Smith Arafune, chief clerk; Maria Tamburri, assistant to chief counsel; Corinne Zaccagnini, systems administrator; Caroline Katzin, professional staff member; Phil Schiliro, minority staff director; Phil Barnett, minority chief counsel; Kenneth Ballen, minority chief investigative counsel; Kristin Amerling, minority deputy chief counsel; Cherri Branson, Jon Bouker, Paul Weinberger, and Michael Yang, minority counsels; Ellen Rayner, minority chief clerk; and Jean Gosa and Earley Green, minority assistant clerk.

Mr. BURTON. A quorum being present, the Committee on Government Reform will come to order.

I ask unanimous consent that all Members' and witnesses' written opening statements be included in the record, and without objection, so ordered.

I ask unanimous consent that all articles, exhibits, and extraneous or tabular material referred to be included in the record, and without objection, so ordered.

I also ask unanimous consent that a set of documents which may be used as exhibits in today's hearings, which have been shared with the minority staff, be included in the record.

Mr. WAXMAN. Reserving the right to object.

Mr. BURTON. The gentleman will state his reservation.

Mr. WAXMAN. Mr. Chairman, we're not going to object to this, but I understand that the staffs are still going through these documents to be sure that there are redactions that are going to be important for privacy reasons, so, if the gentleman would permit, I'd like to ask if he would amend his unanimous consent request to have these documents released after the staffs have had an opportunity to review them for redaction purposes.

Mr. BURTON. I think that that is in order, and without objection we will do that. In fact, I think we have "after being reviewed for redactions" in the statement, so I guess there is no—without objection, so ordered.

I also ask unanimous consent that questioning in this matter proceed under clause 2(j)(2) of House rule 11 and committee rule 14 in which the chairmen and ranking minority members allocate time to members of the committee as they deem appropriate for extended questioning, not to exceed 60 minutes, equally divided between the majority and the minority, and without objection, so ordered.

Today we are meeting to hear testimony about the White House's failure to produce documents to the committee. As I'm sure everyone understands by now, there was a computer glitch, an error. As a result, incoming e-mails at the White House weren't recorded for a 2½ year period. They weren't searched in response to our subpoenas. They weren't searched in response to Justice Department's subpoenas. They weren't searched in response to the independent counsel's subpoenas.

Now, some might say, "So what? An error was made. What's the big deal?" That's the question I want to address in my opening statement.

The big deal is not that a computer technician made a mistake. Mistakes happen. They happen in my office and they happen in every office. The big deal is how the White House reacted to it.

They basically had two choices. They could face up to the problem, tell the Justice Department and Congress what happened, and get it fixed, or they could throw a blanket over the whole problem, ignore it, and hope nobody would find out.

From the interviews we've conducted and the correspondence we have received, it looks like they chose to cover it up. I hope that by the end of this hearing we will be able to make a better judgment.

Before I go any further into this e-mail problem, I want to put this issue into perspective. This isn't the first time that this committee has had problems with cooperation from the White House. When we began our investigation into illegal fundraising in January 1997, we sent the White House a document request. They ignored it.

In March 1997, we sent them a subpoena. They refused to honor it.

In May 1997, we came within days of holding the White House counsel, Charles Ruff, in contempt of Congress for not producing documents. Only then did they comply.

In June, Mr. Ruff sent us a letter certifying that they had complied with our subpoena. Then, in October 1997, somebody found out about the White House videotapes. Ten months after our origi-

nal request, a bunch of red-faced White House lawyers had to turn over several hundred tapes of the President at controversial fundraising events.

Their game plan was very clear: stall, delay, run out the clock. And it wasn't just the White House.

The day after we approved our interim report, 2 years after we started our investigation, 10 boxes of Democrat National Committee documents magically appeared on our doorstep.

So, as you can see, there is a history here. And, by the way, it didn't start with me. Before me, Chairman Clinger had exactly the same experience.

Two-and-a-half years of e-mails—let's turn our focus back to the e-mails. A group of Northrop Grumman employees runs the White House e-mail system. In May or June 1998, they realized that they had a problem. A server was mislabeled. Two-and-a-half years worth of incoming e-mails were not properly preserved. They weren't searched when subpoenas came in.

White House staff was informed. On Monday, June 15th, two White House staffers called them into a meeting. We have interviewed the Northrop Grumman employees who were at that meeting. It was 21 months ago. They don't remember every detail, as you might expect. Some remember one part of the conversation, some remembered the other parts of the conversation, but their accounts are basically consistent.

When the interviews were finished, two important things emerged about that meeting: first, they were all told to keep this problem secret; second, some felt intimidated. One Northrop Grumman contractor recalls being told that there was a "jail cell with his name on it" if he told anyone. One woman was afraid that her security clearance would be yanked and she would never be able to work again. Another woman refused to tell her boss what she was working on. She was almost fired. She told her boss, "I'd rather be insubordinate than go to jail."

They held secret meetings about the problem at a park and at a Starbuck's Coffee place so they would not be detected.

These Northrop Grumman contractors are here today, and I appreciate their being here today. They are going to testify on the first panel. Obviously, this is going to be uncomfortable for them. They are here under subpoena. They are not here because they want to be. They are here because they have to be.

To each of you, I'm very sorry you are put in this position, but it is important that we get your views and what happened on the record.

I also want to thank the Northrop Grumman Corp. and their attorneys. They have been very cooperative. They have given us documents, they have made employees available for interviews, and they have been very helpful.

Why the secrecy by the White House? Why was it so important to keep this under wraps?

There were two White House officials involved in the meeting. Laura Crabtree is one, Mark Lindsay is the other. We tried to interview them. They declined to talk to us. We have some pretty basic questions to ask.

Why was it so important that this information be kept secret? What are their accounts with the meeting with the Northrop Grumman employees? Who did they talk to when they found out about the problem?

They have both been subpoenaed, and they are scheduled to testify on the second panel. I'm sorry they refused to talk to us, but we have questions and we'll ask them today.

Beth Nolan, the White House counsel, will testify on the third panel. She wasn't the White House counsel in 1998, when this problem came to light. She took the job last summer. Regardless of who was the White House counsel, we have a serious issue to deal with. The White House counsel's office has known since some time in 1998 that they were not in compliance with subpoenas from us, the Justice Department, and the independent counsel.

They were not in compliance with our subpoena in the illegal fundraising investigation. This computer problem began in the summer of 1996. The second half of 1996 was a critical time period during this scandal. We were never informed.

They were not in compliance with our subpoena and the investigation of why the President freed 16 Puerto Rican terrorists. We were never informed.

Let me read a passage of a letter we received from the White House counsel's office on October 27, 1999. This was over a year after the e-mail problem was discovered.

"We have been in the process of searching archived e-mails for materials responsive to the committee's subpoena. Enclosed, please find responsive documents."

Now, how could they give us all the responsive documents if they knew the e-mails were there but they hadn't gone through them?

They were not in compliance with our subpoena in the Waco investigation. We were never informed. Let me read a passage from a December 3, 1999, letter.

"Due to the number of requests for information from investigative bodies, the search of archived e-mail messages has taken longer than expected. I anticipate that we should complete the search by the end of next week. If we locate any additional responsive materials, we will promptly provide them to the committee."

And yet, all of these e-mails that they knew about, hundreds of thousands, possibly, were not reviewed.

It is pretty clear that if we didn't find out about this problem independently, we were never going to be told by the White House, nor was the independent counsel or people at the Justice Department. Now, that's a big deal. Complying with subpoenas is not optional; it's mandatory. The White House counsel's office has an obligation to comply. If they can't, they have an obligation to tell us why.

And it's not like we inundated the White House with subpoenas. Not too long ago, a White House spokesman told a bunch of reporters that we had sent them something like 700 subpoenas. Last year, I sent the White House a grand total of two subpoenas, two.

And it's not just us. The White House received subpoenas from the Senate, they received subpoenas from the independent counsels, they received subpoenas from the Justice Department. Were

other people informed that hundreds of thousands of e-mails were not reviewed?

These are the issues that we want to raise today with Ms. Nolan.

Finally, we have a Justice Department witness appearing with Ms. Nolan, Robert Raben, the Assistant Attorney General for Legislative Affairs. As everyone knows, we have been following the Justice Department very closely. We have been watching every step of the way since the Attorney General refused to appoint an independent counsel in the campaign fundraising investigation.

What we have seen from the Justice Department has been very discouraging. A search warrant for Charlie Trie's home was quashed. The FBI wanted to go search his home and go through its files because they thought some were being destroyed; yet, that search warrant was quashed by the leaders of the Justice Department, including Janet Reno.

The President was not questioned about foreign money connections. The Vice President was not questioned about the Hsi Lai Temple or foreign money connections. Democrats get lighter sentences when Republicans get the book thrown at them.

When we interviewed the Northrop Grumman employees, we realized that no one had been questioned by the Justice Department about the missing e-mails. That was March the 7th. This whole issue had been on the front page of the newspaper. So I wrote a letter to the Attorney General. I asked them why they weren't doing anything. It wasn't until after they got my letter that the Justice Department and the Attorney General contacted the first witness. Is that the way the Justice Department works? Do they wait until we are on to them and then they do something about it?

One thing that is of great concern to us is that the Justice Department was on both sides of this issue. Justice Department lawyers are representing the White House in civil suits over the matter. They appear to be working with the White House to delay production of these e-mails. At the same time, the Campaign Finance Task Force should be trying to get them.

At this point, I don't think anyone has any idea what is in these e-mails, but I get the impression that the Justice Department really isn't all that interested.

When the Attorney General found out about the missing Waco tapes, she sent U.S. Marshals to seize them from the FBI and Louis Freeh. Now it looks like the White House hasn't complied with the Justice Department's subpoenas, and nobody even asks about them until I sent them a letter. I wonder why they didn't send the U.S. Marshals over there like they did with the FBI?

That concludes my remarks, and I ask unanimous consent that my two letters to the Attorney General be entered into the record. Without objection, so ordered.

I've also exchanged letters with the White House counsel, Ms. Nolan, and I ask unanimous consent to enter those in the record, and without objection, so ordered.

[The information referred to follows:]

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BEYONCE SANDERS, VERMONT
INDEPENDENT

March 8, 2000

Beth Nolan
Counsel to the President
The White House
Washington, D.C. 20500

Dear Ms. Nolan:

Yesterday, Committee attorneys interviewed a number of individuals who work on the White House e-mail system. What they told us was, to say the least, profoundly disturbing. As you are well aware, hundreds of thousands of e-mails sent to White House employees from outside the White House complex between September 1996 and November 20, 1998, have not been reviewed to determine whether they are responsive to Committee requests and subpoenas. Presumably, you have been aware of this fact for your entire tenure at the White House.

I have many concerns. First, there is an appearance that White House lawyers have made a conscious decision to do nothing to solve the problem posed by so many documents being improperly managed. Over the past three years, the Committee has issued a number of subpoenas to the White House. These have required production of relevant e-mails. After yesterday's interviews, I am aware of no effort on your part to effect a solution. I can only conclude that you are personally content with what is, in effect, a purposeful effort to keep documents from Congress, the Department of Justice, and various Independent Counsels. While it may serve a variety of political interests to do nothing, it does not serve the American people.

The President's response to questions about this issue last week was revealing. He said: "If the American people knew how much of their money we'd have to spend complying with requests for e-mails, they might be quite amazed, but we certainly have done our best to do that." This approach misleads on one front, and ignores an important reality on another. First, it is now apparent that the White House has made no effort to search the database of e-mails coming to most core White House employees from outside the White House for more than a two-year period. Thus, it is absurd to argue that "we've done our best." In fact, when it comes to this category of documents, you have done

nothing. Second, there is a law that requires Presidential records to be sent to the National Archives. It is unclear to me how you intend to comply with this law.

While I am under no illusion that it might be time consuming and expensive to reconstruct the e-mail records in question, I also am not prepared to accept the notion that the President and the White House do not have an obligation to obey the law. Indeed, if Attorney General Reno had made any real effort to conduct a thorough and vigorous investigation into the illegal fundraising matter, she would be first in line demanding compliance with document requests and the President would not be permitted the luxury of railing at Congress and the various Independent Counsel offices.

In March 1997, after two months of fruitless attempts to get the White House to respond to document requests about illegal campaign fundraising, I issued a subpoena. On June 27, 1997, after nearly having to hold the then-White House Counsel in contempt of Congress, I received a letter from your predecessor that all relevant documents had been produced. I am aware of no effort on the part of anyone at the White House once this matter was discovered to inform the Committee that incoming e-mails during a critical time period were never searched. I am also aware of no effort to conduct a retroactive search to ensure that critical information was not overlooked.

Last Fall, I issued two additional subpoenas to the White House. One pertained to the Waco tragedy, and the other requested information about the FALN/Macheteros clemency decision. Again, I am aware of no effort to conduct a search of the incoming e-mails for relevant information. I am also fully aware that no effort was made to inform the Committee that the White House did not even intend to address an entire category of information. These subpoenas remain in effect, and compliance is not optional.

I request that you meet with me as soon as possible to explain fully what you have done to address the problems presented by the e-mail debacle. Tomorrow I will send subpoenas for documents pertaining to this matter, and I request that you ensure that all relevant documents are preserved.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Burton", with a long horizontal flourish extending to the right.

Dan Burton
Chairman

03/17/00 FRI 19:30 FAX 202 456 6279

0002

THE WHITE HOUSE
WASHINGTON

March 17, 2000

BY FACSIMILE AND U.S. MAIL

The Honorable Dan Burton
Chairman, Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Burton:

Pursuant to my March 10, 2000 letter to you, I am writing to provide you with a response to your request for information concerning e-mail records related to the Committee's subpoenas in the campaign finance, FALN, and Waco matters:

As you are aware, recent press reports have described certain configuration errors associated with the management system used for e-mail records within the White House and the Executive Office of the President (collectively "EOP"). Since I became aware of the nature of this matter, my staff and I have been working diligently to understand its scope and effect. Over the past several weeks, my staff has addressed with your staff the Committee's request for information about the general nature of these computer errors and the Committee's request for interviews of current and former EOP staff. I now want to provide you with more details about this issue and its effect, if any, on the Committee's subpoena requests. Of course, we are continuing to review this matter and may need to amplify or modify our findings as we gather more information.

I. Automated Records Management System**A. Searches for E-mail Records**

Before explaining the nature of the configuration errors affecting certain incoming e-mail records being captured by the Automated Records Management System (ARMS), I want to describe briefly how the Office of Administration's (OA) computer records management system for the EOP is designed to work for e-mail records. Whenever an e-mail is sent to or from a user within the EOP, that e-mail is sent directly to a server, where the recipient can read it. The e-mail does not technically reside on the individual user's personal computer (PC), but on the server. As long as the user retains the e-mail on her PC, it remains on the server. Accordingly, as you know, while individuals are instructed to search their own PCs in response to a subpoena request, a redundant search of the server is not conducted. Conversely, by deleting an e-mail, the

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003

The Honorable Dan Burton
 March 17, 2000
 Page 2

user deletes it from the server as well as the PC. Because many individual users delete e-mail daily (and indeed users must delete some e-mails because the server does not have the capacity to hold all e-mails), the server is not a complete and accurate repository of e-mails sent to and from the EOP.

ARMS is a management system that was installed following the Armstrong case. It is designed to capture e-mail records sent from or to EOP user accounts that it manages ("ARMS-managed accounts"). ARMS is the first keyword searchable e-mail records archive maintained by the EOP.

E-mails generated by ARMS-managed accounts are automatically recorded by ARMS as they are sent by the user. In addition, several times a minute, generally, ARMS scans the server and captures unrecorded e-mails residing on the server at the moment of scanning. To avoid repeatedly scanning an e-mail that continues to reside on the server over a period of time, once ARMS records an e-mail, it is coded so that ARMS will not needlessly scan it again.

As then-Counsel to the President Charles Ruff explained in his September 11, 1997 letter to you, we notified your staff in the Spring of 1997 that ARMS was put in place in July 1994 and has managed e-mail records for most EOP offices since that time. (10/21/97 Letter from White House Counsel Charles Ruff to The Honorable Dan Burton). Mr. Ruff further explained that ARMS also manages reconstructed e-mail records for the period January 1993 through July 1994. (*Id.*). The e-mails were loaded into ARMS by Information Systems and Technology (IS&T) personnel within OA beginning in July 1994 -- a process that was completed some time in mid-1999. Until reconstruction was completed, only limited e-mail records were searchable for the pre-July 1994 period. (*Id.*).

In response to a subpoena request, the individuals within the relevant EOP offices are instructed to search for responsive materials in any form. The head of each EOP office is instructed to certify that the individuals within the office have conducted a search of their files and the office's files, and have provided any potentially responsive materials to the White House Counsel's Office. As a complement to these individual searches, a computerized search of ARMS is performed at our direction by IS&T personnel. (See 9/11/97 letter from White House Counsel Charles Ruff to The Honorable Dan Burton). IS&T staff work with White House Counsel's Office staff to identify keyword terms to use in searching ARMS for responsive materials. As we have previously explained to your staff, because we use search terms, we cannot guarantee that every responsive e-mail is located. Nevertheless, we usually err on the side of using broad search terms, which sometimes yield large amounts of nonresponsive materials.

These computerized searches are extremely time-consuming and costly. For example, a search can take several days to complete, depending upon the number of offices and time period covered. Once a search is complete, it can take up to several days to print the search results. In addition, our staff must manually review the printed search results for responsiveness. Indeed,

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on many occasions our staff has waded through thousands of pages of nonresponsive materials to locate the few responsive ones.

The only other electronic records of the server consist of tapes made periodically when the server is "backed up." Backup tapes are not created or saved for archival purposes, are not part of ARMS, and are not searchable, absent reconstruction and transfer to ARMS, using general keyword terms. For these reasons, the EOP does not search backup tapes when responding to subpoena requests. These tapes are created solely for recovery in the event of a system "crash" to allow IS&T personnel to recover certain files. They are created generally daily, and take a "snapshot" of whatever exists on the server at the current time. For example, if an e-mail were sent to an EOP user and then deleted between backups, it would not be captured on a backup tape. At times when there has been a shortage of backup tapes, they have been reused. Backup tapes are thus an inaccurate and incomplete compilation of what is on the system and serve as a last resort only in cases of a catastrophic system failure. As noted below, I am also informed that reconstruction of files from backup tapes is a costly and time-consuming endeavor.

B. Configuration Errors Affecting ARMS

ARMS, like all computer records management systems, is susceptible to problems, software programming errors, and "glitches" that are not easily detectable. Even when they are discovered, however, the nature, scope, and cause of the problems, as well as their effect on the system and users, may be difficult to ascertain.

Although we have always understood that ARMS is designed to record all e-mails sent through the EOP e-mail network (currently the Lotus Notes system), two separate configuration errors have occurred which prevented certain incoming e-mails sent to ARMS-managed accounts from being recorded in ARMS for a period of time. The first error occurred in August 1996, when IS&T was performing routine maintenance to improve the system's performance. As part of the process, individual user accounts within the White House Office (WHO), and some accounts within OA and the Office of Policy Development (OPD), were moved to a new server, called "Mail2." During this process, some of these users were apparently mistakenly coded by computer technicians as being on "MAIL2," using all upper case letters, instead of "Mail2." The ARMS scanning process is case sensitive when identifying servers and did not recognize "MAIL2." Because ARMS did not recognize "MAIL2," the ARMS scanning process did not capture incoming e-mails (*i.e.*, e-mails sent from non-managed ARMS accounts to ARMS-managed accounts) for these affected ARMS-managed accounts.

In January 1998, Daniel Barry, IS&T Records Projects Computer Specialist, was performing a keyword search of ARMS in response to a subpoena request and noticed a possible anomaly within ARMS. Mr. Barry found that on a particular day there were outgoing e-mails from an EOP user who seemed to be exchanging e-mails with an outside user, but there were no corresponding incoming e-mails. Thus, it appeared to him that some incoming e-mails might be missing from ARMS. Mr. Barry, with the assistance of John Spriggs, the IS&T e-mail contract

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administrator and an employee of outside contractor Northrop Grumman (N-G), examined the log of the FIREWALL system, through which e-mail created outside the EOP passes and is screened to ensure that messages do not include viruses. They determined that on the day in question, the EOP user had actually sent the outside user seven e-mails, while the outside user had sent the EOP user six incoming e-mails. At the time, Mr. Barry was unsure whether this was an isolated incident for this particular user on this particular day or whether it was a broader undetected systemic error. Indeed, minor glitches or "hiccups" are common to IS&T systems, as they are to all computer systems, and small pieces of data are often not easily retrievable as a result. Mr. Barry notified his superiors and documented his finding.

The full extent of the error causing the anomaly Mr. Barry noted was not discovered until June 1998, when on-site N-G employees discovered on the server certain incoming e-mail messages that were coded as "unrecorded" on the server, signifying that the ARMS scanning process was not picking up these messages. The contractor notified IS&T personnel. A group of employees was assembled to investigate and repair the problem.

By the fall of 1998, N-G technical personnel working with IS&T staff discovered that the problem was due to miscoding "Mail2" as "MAIL2." They further determined that the miscoding affected 526 ARMS-managed accounts from the following EOP offices:

1. WHO (464 accounts)
2. Office of Policy Development (58 accounts)
3. OA (4 accounts)

As a result, certain incoming e-mail that these 526 users had received since August 1996 had not been recorded by ARMS. As noted previously, the problem did not cover any e-mails generated by ARMS-managed accounts. Moreover, it would not have prevented a recording of the incoming e-mail if the affected EOP user forwarded it or replied to it "with history" (i.e., sending back the original e-mail). Additionally, incoming e-mail messages maintained on individual users' PCs would also remain on the user's server space, and therefore would be subject to individual EOP user searches, as long as the individual recipient did not delete them.

By November 1998, the N-G and IS&T personnel had corrected the problem prospectively so that all future incoming e-mail to the 526 affected users would be stored in ARMS. Thus, this configuration error affected these ARMS-managed accounts for the period August 1996 through November 1998. IS&T personnel also created backup tapes of the server to preserve the unrecorded e-mail existing on it as of November 20, 1998. By backing up the entire server, IS&T also necessarily captured word processing documents, rolodex files, and recorded e-mail records that also existed on the server at that time. After the prospective correction, ARMS resumed managing incoming e-mails and the creation of backup tapes of the server continued.

As noted above, backup tapes are not in a readable or searchable format because they are not created for archival purposes. Thus, they cannot easily be reconstructed and placed on

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ARMS. Consequently, OA requested that N-G provide an estimate for studying the time and cost involved in restoring these e-mails to a readable format. In October 1998, N-G estimated that a feasibility study alone would cost about \$600,000. OA informs us that, concurrent with the preliminary assessment of the costs to study the problem, OA was faced with the massive task of Y2K compliance of its entire system, including its mail systems. This task consumed IS&T resources throughout the remainder of 1998 and 1999.

A second configuration error was discovered in April 1999, when N-G technical personnel were testing the process in which ARMS interacts with the Lotus Notes system. When user accounts are created, they are assigned to a particular "view." Each view represents a section of the alphabet (e.g., ABC), and users are assigned to a view by the first letter of their first name (e.g., Mary Jones would be in the view that contains the letter "M"). The ARMS "viewer" scans the server on a "view" by "view" basis.

During this testing process, the N-G computer specialists discovered that, in correcting the "MAIL2" programming error, another configuration error involving the ARMS "viewer" had been made. The letter "D" was inadvertently omitted from a view, and the letter "J" was included twice. As a result, incoming e-mail to ARMS-managed accounts with the first names beginning with the letter "D" had not been recorded by ARMS since November 1998. It appears that this error remained undetected until April 1999 because the additional "J" led technical personnel to believe that the views contained all 26 letters of the alphabet. In fact, that was not the case.

The effect of the "Letter D" error on the system was similar to the "MAIL2" error: Incoming e-mail sent to ARMS-managed accounts whose users' first names begin with the letter "D" were not stored in ARMS. E-mails generated by ARMS-managed accounts were not affected by the problem. Approximately 200 ARMS-managed accounts from the following offices within the EOP were affected:

1. White House Office (42 accounts)
2. Office of Policy Development (8 accounts)
3. Office of Management and Budget (54 accounts)
4. Council of Economic Advisers (1 account)
5. Council on Environmental Quality (4 accounts)
6. National Security Council (21 accounts)
7. Office of Administration (32 accounts)
8. Office of National Drug Control Policy (20 accounts)
9. Office of Science and Technology Policy (6 accounts)
10. White House Climate Change Task Force (3 accounts)

As with the "MAIL2" error, e-mail maintained on these affected users' PCs remained on the server until deleted by the user, but were not captured in ARMS.

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By May 1999, the N-G employees corrected this problem prospectively. Thus, the "Letter D" configuration error affected these ARMS-managed accounts from November 1998 to May 1999. As with the "MAIL2" error, a backup tape of the server was created on June 1, 1999 to preserve any unrecorded e-mail that existed on it at that time.

In the course of gathering these preliminary facts concerning these configuration errors, we were informed this week that e-mails on the server of the Office of the Vice President (OVP) have not been fully managed by ARMS. We are still in the process of determining the scope and time period involved. The OVP does maintain back-up tapes of its server.

Of course, numerous e-mails to and from OVP users have been produced to the Committee over the years, which is consistent with OVP staff having searched their PCs for e-mail residing on the servers or in their hard-copy files, and with the large number of OVP e-mails that were captured by searches of ARMS during unaffected periods. We are doing our best to determine how searches for e-mails responsive to the Committee's requests were affected by these facts. We will promptly provide the Committee with this information when we complete our review.

II. Effect of Configuration Errors on the Committee's Subpoena Requests

Recent reports have cited various global effects of these configuration errors and speculated about the contents of the affected incoming e-mails. Below are our preliminary findings with regard to the "MAIL2" and "Letter D" errors. As noted above, we will provide further information as soon as possible about the OVP accounts. Please note, also, that, given the technical issues involved, we may need to modify or amend these findings as our review proceeds.

A. Global Effects

1. These two configuration errors did not affect documents or e-mails created by ARMS-managed accounts. We understand that these two configuration errors did not affect e-mails from ARMS managed accounts that were sent within or outside the EOP. The only e-mails affected by either configuration error described above were incoming e-mails. Moreover, if an affected user received an incoming e-mail and forwarded it or replied to it with history (sending back the original incoming e-mail) then ARMS would have recorded the incoming e-mail.
2. We do not know how many e-mails were affected. OA and IS&T personnel understand that no one has estimated the number of e-mails that were unrecorded. If such an estimate was made, it was not provided to the EOP. Currently, I am informed that there is no way to make this calculation unless the backup tapes are reconstructed.
3. We do not know if any responsive information is contained in the unrecorded e-mails. News reports state that the e-mails contain information relevant to various subpoenas. Again, we have not been informed that anyone had the opportunity to review the contents of

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these e-mails. Moreover, IS&T personnel currently cannot identify what kind of information is on the backup tapes because they have not been reconstructed. Without such restoration, we cannot know the contents of the unrecorded e-mails.

4. Affected incoming e-mail left on the server should have been captured by individual user searches. As you know, EOP staff are instructed to search their files, including computer records, for responsive information. Thus any incoming e-mails still on an individual's server space at the time a search was conducted should have been captured by individual user searches.

5. The "MAIL2" and "Letter D" anomalies were technical errors. As explained above, these configuration errors were the sole result of human mistakes and entirely unintentional.

B. Effect on the Committee's Subpoenas

Per your request, we have tried to determine what effect these errors had on the Committee's subpoenas related to campaign finance, FALN, and Waco matters. Please note that our preliminary findings are based upon our understanding of the Committee's subpoena requests, any agreed modifications to those requests, and the kind of e-mail search we performed to locate responsive material.

1. Campaign finance related subpoena requests. As your staff is aware, since the Committee's first subpoena in early 1997, our staffs negotiated a global December 31, 1996 cutoff date for all campaign finance related requests. Thus, incoming e-mails to the 526 affected ARMS-managed accounts for a five month period (August 1996 through December 1996) that were not forwarded or replied to with history would likely not have been captured by ARMS. E-mails remaining on an individual user's PC should have been captured.

2. FALN related subpoena requests. The search in response to the Committee's first subpoena covered the period January 20, 1993 through August 1999. The search in response to the Committee's second subpoena covered the period January 20, 1993 through November 10, 1999. Thus, these searches would have encompassed both time periods affected by the two configuration errors.

3. Waco related subpoena requests. On September 1, 1999, the Committee served a subpoena seeking materials related to the use of incendiary devices at the Branch Davidian compound. As you know, the relevant time period surrounding the Waco matter precedes August 1996, when the first configuration error occurred. Thus, we do not believe that these two errors would have affected a search of ARMS for e-mails responsive to this subpoena. Moreover, as our staff explained to your staff, we had recently conducted a broad search for Waco-related materials in response to a Court Order in the *Andrade v. Chojnacki* matter. Our staffs reached an accommodation whereby, in lieu of conducting another search that would likely encompass the same materials, we would produce to the Committee unsealed materials that were

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produced to the *Andrade* Court. On January 28, 2000, we provided you with a copy of these materials.

III. Current Efforts to Explore Possible Reconstruction of Affected E-mail

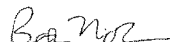
We are working diligently to determine whether it is possible to reconstruct the backup tapes so we can load the unrecorded e-mails on to ARMS and perform keyword searches. We currently have obtained the following estimate.

There are at least 3400 backup tapes of the server relating to e-mail. As stated above, they are an incomplete and inaccurate collection of EOP computer records. The preliminary cost estimate we have received to reconstruct these tapes so that the information they contain could be placed on ARMS and searched using keywords is between \$1.8 million and \$3.0 million. This process is estimated to take approximately one to two years.

The process may be performed in "batches"; *i.e.*, several backup tapes at a time. If reconstruction were possible, we would likely begin the process with the November 20, 1998 and June 1, 1999 backup tapes (approximately 15 tapes total). This process would entail extracting the unrecorded e-mails from the backup tapes and putting them on a server. Then, computer technicians would need to develop a program that would "de-duplicate" the unrecorded e-mails so that ARMS would not record identical e-mails (as stated above, ARMS is designed not to scan identical e-mail messages). This estimate does not, however, include possible restoration of the OVP backup tapes, as well as the time and funds needed to perform other steps in the process, such as awarding a competitive contract, searching ARMS, printing the search results, manually reviewing them, and producing responsive materials.

We are, of course, continuing to review this matter. As I learn more relevant information, we will keep your office informed. If you have any questions, please call me. In any event, I will call you next week.

Sincerely,



Beth Nolan
Counsel to the President

cc: The Honorable Henry Waxman

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 19, 2000

Beth Nolan
Counsel to the President
The White House
Washington, D.C. 20500

Dear Ms. Nolan:

Thank you for the letter transmitted late on the evening of Friday, March 17, 2000. I appreciate this initial response.

Your staff has committed to producing documents about the White House e-mail problem to the Committee on Tuesday, March 21, 2000, and, while I would have preferred less delay, I look forward to receiving the documents at the promised time. Your staff has been clear on this point, and I do not expect additional requests for extensions.

As you are aware, the Committee will hold a hearing on the subject of the White House e-mail problem on Thursday, March 23, 2000. Your letter raises a number of questions. In order to answer these questions I will issue a subpoena for your attendance. Please have your staff confirm with my staff that you will accept service by facsimile.

In the matter of the White House e-mail problem, both you and I should have the same goal. We need to understand the parameters of the problem; we need to understand what, if any, affirmative steps to correct the problem were taken; and we need to understand whether any delay in correcting the problem will result in increased expense and delay. I am also interested in the steps taken by White House Counsel to inform all interested parties of the problem as soon as it was discovered. The following issues are of particular concern:

- You state in your letter that "e-mails on the server of the Office of the Vice President (OVP) have not been fully managed by ARMS." I am interested in a full explanation of this problem and I would also like to know when the Department of Justice, Congress and the Offices of Independent Counsel were notified of the problem.
- You explain that the preliminary cost to rectify the problem and include the relevant data in the ARMS system is \$1.8 to \$3.0 million dollars. I have been told by

individuals associated with the ARMS system that the cost has been increased by delay. Further, you note that "it may take approximately one to two years" to rectify the problem. If this is true, given the discovery of the problem on June 12, 1998, we should either have put this issue behind us already, or have a mere three months left to wait. I am concerned that the approach taken by the White House Counsel's office appears to have favored the "later rather than sooner, less rather than more" approach, thereby increasing the cost that must ultimately be paid to comply with the dictates of the *Armstrong* decision, and thereby also frustrating a number of legitimate investigations by the Justice Department, Independent Counsels, and Congress.

- You are somewhat unclear in your letter as to when you learned of these problems. I am curious as to when you were informed and what steps you took to pass the information along to the Justice Department, the Independent Counsels, and Congress. I am also interested in what you did to solve the problem.
- You state most clearly in your letter that: "[b]ackup tapes . . . are not searchable, absent reconstruction and transfer to ARMS." It appears that one search was performed in 1998. The search did not require a transfer to ARMS, and material responsive to an Independent Counsel document request was discovered. While I do not intend to underestimate the potential complexity of the problem, I am concerned that one of the purposes of your letter was to present a simplistic and self-serving explanation of this problem for media consumption. Thus I am surprised that you failed to provide this information in your letter.
- You indicate that an individual – who we intend to have testify at our hearing – identified a problem with e-mail management in January or February of 1998. You also indicate that it was not until June of 1998 that the problem was next noticed. I am interested in the steps taken by the White House Counsel's office to investigate this problem during the intervening four to five months. The ultimate problem would have been less costly to fix, and the universe of information would be much smaller, if there had been less delay. Therefore, I expect you will explain how the White House Counsel's office dealt with the problem from its initial discovery.
- You state that Mr. Ruff provided a timely notification that some pre-1994 e-mails were unavailable for document review. When did the White House provide a similar notification for the "Mail2" and "d" user problems to the Justice Department, the Independent Counsels, and Congress?
- Your indication that no-one has estimated the number of e-mails that have not been reviewed is inconsistent with information that has been provided to the Committee. We are interested in your response to this area of concern, particularly given the presumption that the White House Counsel's office would ask for an approximation of the size of the problem in anticipation of making plans to solve the problem.
- You also dismiss concerns regarding Waco-related e-mails by explaining that the Waco tragedy took place before the time period implicated by the problem. Again,

this simplistic approach is troubling. In 1997 there were allegations regarding gunfire that created a degree of consternation. It is not unreasonable to suspect that individuals might have provided commentary on these allegations during the period that e-mails were not being properly managed. Similarly, the fact that other issues occurred at a particular time does not impact whether White House employees have created information responsive to document requests.

- You also explain that e-mails may have been reviewed by manual searches conducted by individual computer users. You omit to explain, however, how searches could be conducted by people who have left the White House. It is my understanding that there was considerable turnover within the White House. Again, we will be benefitted greatly by your ability to provide in-depth explanations to what appear to be the incomplete and simplistic explanations provided in your letter.

Again, thank you for your letter. While I would prefer to receive correspondence from the White House earlier than 7:30 p.m. on a Friday night, I have read the relevant parts of Lanny Davis's book describing media strategy, and I have a fair understanding of the timing. I look forward to your appearance at the Committee's hearing on Thursday, March 23, 2000.

Sincerely,

 Dan Burton

cc: Independent Counsel Robert Ray
 Independent Counsel Ralph Lancaster
 Independent Counsel Donald Smaltz
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March 8, 2000

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear General Reno:

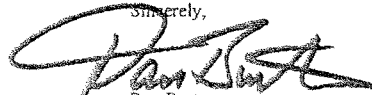
I am concerned that the Department of Justice has made no effort to obtain an entire category of documents that has potential bearing on the Campaign Finance investigation. Yesterday, the Committee learned that hundreds of thousands of e-mails sent to White House employees from outside the White House complex have never been reviewed to determine whether they are responsive to document requests and subpoenas. These e-mails were received during the critical 1996-1998 time frame. As of yesterday, the Justice Department had made no effort to contact individuals who manage White House e-mails, and there is no indication that you have ever pushed the White House for a review of this information, despite the fact that this matter has been reported in the press.

The appearance created by this failure is that you have no intention of pursuing a vigorous investigation of the White House.

In his memorandum recommending the appointment of an Independent Counsel, Charles LaBella wrote: "The contortions that the Department has gone through to avoid investigating these allegations are apparent." He also wrote: "If these allegations involved anyone other than [redacted name], an appropriate investigation would have commenced months ago without hesitation." Recently we learned that you deemed it irrelevant to question the President about James Riady's offer of one million dollars or about any other facet of the foreign fundraising scandal. We also discovered that your prosecutors failed to ask the Vice President about the Hsi Lai Temple event. Earlier, we learned that a search warrant for Charlie Tine's home was quashed just before it could be served. Now we find that you apparently aren't even hiding behind the pretense that the White House should produce information relevant to the campaign finance investigation.

I request that you inform this Committee of the steps you are going to take to address the White House's failure to provide the Justice Department with critical information.

Sincerely,



Dan Burton
Chairman

Mr. BURTON. I will now yield to Mr. Waxman for his opening statements, then we will move forward with the first panel.

Mr. WAXMAN. Mr. Chairman, I am pleased you are holding today's hearing. It will provide us an opportunity to explore whether there was any wrongdoing in the attempt to coordinate the automated records management system, known as the ARMS system, with the Lotus e-mail network.

We are all aware that during the past few years many false and reckless accusations have been made about this administration and officials that work within this administration. We should not repeat those mistakes today. Instead, in evaluating the ARMS-Lotus interface, we must investigate whether certain acts were the result of sinister motives or simply routine mistakes.

Serious accusations, some involving potential criminal conduct, have already been made about the ARMS-Lotus interface, so it is essential that we do our best to clarify the record and understand the facts, and then let the facts lead us to conclusions, rather than start with conclusions and then find out if the facts support those conclusions.

We have already learned, for instance, that no one in the Clinton administration ever suggested that specific e-mails or categories of e-mails be excluded from the ARMS system. That's a fact.

We have also learned that no one in the Clinton administration designed the system or had any role in creating the ARMS-Lotus interface or the interface defect, and that's a fact.

Moreover, we know that no one in the Clinton White House even knew before June 1998, that some e-mails were being excluded from the ARMS-Lotus interface, and consequently not being submitted to Congress or the Department of Justice.

What else do we know?

We also have learned that the White House has provided Congress with over 7,000 e-mails pursuant to congressional requests. They have given us 7,000 e-mails, and some of those e-mails were embarrassing to the White House, yet they submitted those e-mails.

Some of these e-mails have been repeatedly used by the chairman and other Republican leaders as evidence of White House wrongdoing. The production of those e-mails would seemingly put to rest the question that the White House was trying to keep damaging information from the Congress. If they were trying to do that, you wonder why they submitted e-mails among the 7,000 e-mails that have been used against them.

Well, by the end of today—and this may be a long day's hearing, but it is an important one—we will be in a better position to answer three remaining questions.

First, did any White House employee make any improper threat to any of the contract or subcontract employees of Northrop Grumman?

Second, did anyone at the White House try to impede the efforts to fix the problem created by a contract employee?

And, finally, why didn't the White House notify this committee and other investigators when the ARMS-Lotus interface problem was discovered?

These are important questions, and I hope we will get answers to them.

We will likely receive conflicting testimony on whether threats were made, so we will have to evaluate the credibility of the witnesses on this point. We will also have to evaluate what involvement, if any, the President, the Vice President, and other senior White House officials may have had with this issue.

From what we know now, however, it appears unlikely that anyone at the White House tried to obstruct efforts to repair the ARMS-Lotus interface, and I believe that Beth Nolan, who will testify at the end of today's hearing, may have a reasonable explanation for the delay in the White House's notification of Congress about the ARMS-Lotus interface problem.

I look forward to listening to today's witnesses. If it appears that any wrongdoing has occurred regarding the ARMS-Lotus interface, we should take appropriate action.

By the same token, however, if we should also be sure, in finding the facts, that there is a reason to correct the record if there is no evidence of wrongdoing, I hope that action will be taken, as well.

Let's let the facts speak for themselves. Let's try to find the facts as best we can. Where conflicting testimony may be leading us in different directions, let us try to keep to this issue of the ARMS-Lotus interface to understand what, if anything, justifies a congressional hearing and leads us to facts that will be useful in our ongoing investigation.

I yield back the balance of my time.

Mr. BURTON. Thank you, Mr. Waxman.

I understand a vote has been called on the floor. I want to apologize to our first panel, but, in order to have consistency in the hearing, I think probably we ought to break real quickly for a vote and ask all the Members to get back as quickly as possible so we can get on with this, so we will stand in recess and call the gavel.

[Recess.]

Mr. BURTON. We will now welcome our first panel to the witness table: Steve Hawkins, Robert Haas, Betty Lambuth, Sandra Golas, Yiman Salim, John Spriggs, and Daniel Barry.

Would you please stand and raise your right hands, please?

[Witnesses sworn.]

Mr. BURTON. First of all, I want to restate that I know that you would probably be rather playing golf or working or doing something else today. This is a very important hearing, and we do appreciate your cooperation and in your being as factual as is humanly possible.

Do any of you have opening statements you would like to make? Ms. Salim, did you have an opening statement?

Ms. SALIM. Yes, sir.

Mr. BURTON. OK. You are recognized. Please pull the microphone as close to you as possible. Thank you very much.

STATEMENTS OF YIMAN SALIM, NORTHROP GRUMMAN SOFTWARE DEVELOPER, LOTUS NOTES GROUP; BETTY LAMBUTH, NORTHROP GRUMMAN MANAGER, FORMER MEMBER OF THE LOTUS NOTES GROUP, ACCOMPANIED BY LARRY KLAYMAN, COUNSEL, AND TOM FITTON; ROBERT HAAS, NORTHROP GRUMMAN SYSTEMS ADMINISTRATOR, LOTUS NOTES GROUP; DANIEL "TONY" BARRY, COMPUTER SPECIALIST, EXECUTIVE OFFICE OF THE PRESIDENT/OFFICE OF ADMINISTRATION, ACCOMPANIED BY JOHN HARDEN YOUNG, COUNSEL; STEVE HAWKINS, NORTHROP GRUMMAN PROGRAM MANAGER; JOHN SPRIGGS, NORTHROP GRUMMAN SENIOR ENGINEER FOR ELECTRONIC MAIL; AND SANDRA GOLAS, NORTHROP GRUMMAN SENIOR SOFTWARE ENGINEER, LOTUS NOTES GROUP

Ms. SALIM. Good morning.

My name is Yiman Salim. I am a subcontractor working as a Lotus Notes developer in the Executive Office of the President, main contractor Northrop Grumman. I have held this position since May 1998. I am a member of the Lotus Notes team, basically responsible for the analysis, development, and support of Lotus Notes applications.

I understand that the committee would like me to describe the events surrounding the Mail2 problem, and I am appearing here voluntarily at the committee's request to do so.

One of my first tasks at the EOP was to work on the upgrade of Lotus Notes. During my work on this project in June 1998, Bob Haas and I stumbled upon what we thought at the time was a flaw in the records management, the scanner process. It was a very technical typographical-type error committed by a prior contractor before Northrop Grumman was retained.

We found, quite by chance, that inbound e-mail messages were somehow not being picked up by the scanning process of the records management system, called ARMS. The scanning portion of ARMS is responsible for looking at the e-mail file and sending inbound e-mail messages through several processes, ultimately ending up on the VAX computer, where searches of those e-mails by Government employees occurs.

Immediately after the discovery of this problem, we reported our findings to our immediate supervisor, Betty Lambuth, who directed us to put our findings in writing.

In the days that followed, it was determined that the problem was specific only to the Mail2 server. The Mail2 problem, therefore, affected approximately 500 users, most of whom worked for the White House. The problem affected only those e-mails inbound to the White House from outside by way of the Internet to Mail2 server users.

Outgoing e-mails sent from Mail2 users at the White House were not affected and were records managed according to established procedures.

The Mail2 server problem had originated some time during October 1996, when the contractors prior to Northrop Grumman built a new e-mail server called "Mail2." When the contractors personnel named the Mail2 server, they used an upper-case "M" and lower-case letters for the rest of the name. Following its creation, how-

ever, the individual mail accounts on the Mail2 server were assigned the name "MAIL2" using all capital letters.

When the case-sensitive ARMS scanner process ran on the Mail2 server to perform its comparison of the names, the comparison failed, since the names did not appear in the exact same case; therefore, none of those accounts from Mail2 were scanned. Inbound e-mails were not sent to the VAX, and, as a result, inbound e-mails were not records managed.

Outbound e-mails were automatically records managed without the need for such scanning. That is why outbound White House e-mails were not affected by this error.

A few days after the discovery of the problem, some time between June 15 and June 18, 1998, Betty Lambuth, John Spriggs, Sandy Golas, Bob Haas, and I were called into Laura Crabtree's office for a private meeting.

My recollection is that in this meeting Laura Crabtree told us that Mark Lindsay had instructed that we were not to discuss the problem with anyone, including our spouses or our family. We were told that the incident was considered sensitive, and that we should take it very seriously.

I do not remember hearing the word "jail," and I never felt threatened. In my mind, this was simply a technical issue that needed a technical solution.

My understanding was that this issue would remain with this small group only temporarily until the Office of Administration had a chance to manage the situation.

On June 19, 1998, 1 week after the Mail2 problem was discovered, I left the country for 2 weeks on a pre-planned vacation. After my return, I had little contact with the Mail2 issue except for attendance at some technical meetings regarding the problem.

In the beginning of November 1998, the group met to discuss a technical solution to the Mail2 problem. We focused on how to stop the bleeding, which meant that we wanted to find a way to properly manage inbound e-mails that entered Mail2 from that point forward.

On November 22, 1998, John Spriggs and I executed a program which artificially marked all unmanaged e-mails as record managed on the 394 active users who were located on Mail2 at that time.

After that was completed, inbound e-mails on the Mail2 server were, therefore, properly scanned by ARMS and were records managed. All unmanaged e-mails that entered Mail2 between the inception of the problem in November 1998 became part of a separate e-mail reconstruction project.

Several months later, in April 1999, I discovered another problem in the records management system. I found that all users with a first name that started with a "D," such as "Doug" or "David," were not being properly scanned by ARMS. This problem affected not just Mail2 but all the Lotus mail servers.

The problem was corrected on June 1, 1999, and after this correction I created an audit agent that monitors all e-mail accounts and reports in a timely basis if there are any records management issues. This was done so that any future problems would be detected and solved in a timely manner.

Mr. Chairman, that is my recollection of the events concerning discovery of the Mail2 system error.

Thank you.

Mr. BURTON. Thank you, Ms. Salim.

[The prepared statement of Ms. Salim follows:]

STATEMENT OF YIMAN SALIM

My name is Yiman Salim. I am a sub-contractor working as a Lotus Notes developer, under the Executive Office of the President's (EOP) main contractor, Northrop Grumman. I have held this position since May of 1998. I am a member of the Lotus Notes team responsible for the analysis, development and support of Lotus Notes applications.

I understand that the Committee would like me to describe the events surrounding the Mail2 problem, and I am appearing here voluntarily at the Committee's request to do so.

One of my first tasks at the EOP was to work on the upgrade of Lotus Notes. During my work on this project in June 1998, Bob Haas and I stumbled upon what we thought at the time was a flaw in the records management scanner process. It was a very technical typographical type error committed by a prior contractor before Northrop Grumman was retained. We found quite by chance that inbound e-mail messages were somehow not being picked up by the scanning process of the records management system, called ARMS. The scanning portion of ARMS is responsible for looking at all e-mail files and sending inbound e-mail messages through several processes, ultimately ending up on the VAX computer where searches of those e-mails by government employees occurs. Immediately

after the discovery of the problem, we reported our findings to our immediate supervisor, Betty Lambuth, who directed us to put our findings in writing.

In the days that followed, it was determined that the problem was specific only to the Mail2 server. The Mail2 problem, therefore, affected approximately 500 users, most of whom worked for the White House. The problem affected only those e-mails inbound to the White House from outside by way of the internet to Mail2 server users. Outgoing e-mails sent from Mail2 users at the White House were not affected and were records managed according to established procedures.

The Mail2 server problem had originated sometime during October 1996, when the contractors prior to Northrop Grumman built the new e-mail server called Mail2. When the contractors' personnel named the Mail2 server, they used an uppercase "M" and lower case letters for the rest of the name. Following its creation, however, the individual mail accounts on the Mail2 server were assigned the name Mail2 using all capital letters. When the case sensitive ARMS scanner process ran on the Mail2 server to perform its comparison of the names, the comparison failed since the names did not appear in the exact same case. Therefore, none of those accounts on Mail2 were scanned. Inbound e-mails were not sent to the VAX, and as a result inbound e-mails were not records managed. Outbound e-mails were automatically records managed without the need for such

scanning. That is why outbound White House e-mails were not affected by this error.

A few days after the discovery of the problem, sometime between June 15 and June 18, 1998, Betty Lambuth, John Spriggs, Sandy Golas, Bob Haas and I were called in to Laura Crabtree's office for a private meeting. My recollection is that in this meeting, Laura Crabtree told us that Mark Lindsay had instructed that we were not to discuss the problem with anyone, including our spouses or our family. We were told that the incident was considered sensitive and that we should take it very seriously. I do not remember hearing the word "jail" and I never felt threatened. In my mind this was simply a technical issue that needed a technical solution. My understanding was that this issue would remain with this small group only temporarily until the Office of Administration had the chance to manage the situation.

On June 19, 1998, one week after the Mail2 problem was discovered, I left the country for three weeks on a preplanned vacation. After my return, I had little contact with the Mail2 issue, except for attendance at some technical meetings regarding the problem.

In the beginning of November 1998, the group met to discuss a technical solution to the Mail2 problem. We focused on how to "stop the bleeding," which

meant that we wanted to find a way to properly manage inbound e-mails that entered Mail2 from that point forward. On November 22, 1998 John Spriggs and I executed a program which artificially marked all unmanaged e-mails as records managed on the 394 active users who were located on Mail2 at that time. After this was completed, inbound e-mails on the Mail2 server were thereafter properly scanned by ARMS and were records managed. All unmanaged e-mail that entered Mail2 between the inception of the problem and November 1998 became part of a separate e-mail reconstruction project.

Several months later in April 1999, I discovered another problem with the records management system. I found that all users with a first name that started with a "D," such as Doug or David, were not being properly scanned by ARMS. This problem affected not just Mail2, but all the Lotus Notes Mail servers. This problem was corrected on June 1, 1999. Soon after this correction, I created an audit agent that monitors all e-mail accounts and reports on a timely basis if there are any records management issues. This was done so that any future problems will be detected and solved in a timely manner.

Mr. Chairman, that is my recollection of the events concerning discovery of the Mail2 system error.

Mr. BURTON. Mr. Haas, did you have an opening statement?

Mr. BARR. Mr. Chairman, may Ms. Lambuth give her statement now?

Mr. BURTON. If Mr. Haas has no objection, we'll go with Ms. Lambuth.

Ms. Lambuth.

Ms. LAMBUTH. Thank you.

First of all, Mr. Chairman, I'd like to thank you and your committee to have this opportunity to testify on the lost and hidden e-mails that occurred in the Clinton-Gore White House.

When Ms. Salim and Bob Haas informed me, I did take this information to my immediate supervisor in the White House, which was Laura Crabtree.

Laura did understand the legal technicalities and severity of these lost e-mails, and said that she would like to go talk to Mark Lindsay.

Laura did come back to me and say that Mr. Lindsay had told her to tell me and my staff that if any of us spoke about these issues, about this particular project which we now named "Project X," we would not only lose our jobs, we would be arrested and we would be put in jail.

Ms. Crabtree then relayed those messages on to my staff, which had been relayed to her by Mr. Lindsay.

I had also asked Ms. Crabtree, and basically said that, you know, "It's not that I dispute what you're saying. I would like to hear this directly from Mr. Lindsay," and she agreed that this was appropriate.

I later that day met with Paulette Cichon, who was also aware of the situation. Paulette and I went upstairs and I met with Mark Lindsay that afternoon quite late. Mr. Lindsay did, in fact, reiterate everything that Ms. Crabtree had told me that he had instructed her to tell, and that was if I or any of my staff relayed this information to anyone—spouses; they specifically named Steve Hawkins, who was the program manager for Northrop Grumman; Jim Wright, who was the COTR for EOP—that if we spoke to anyone that we—not just me, whoever relayed the information, but that we would all lose our jobs, we would be arrested, and we would be put in jail.

And this is quite significant, because if you are arrested or you are removed from any agency—and we've gone through a 15-year security clearance—that our security clearances are stripped from us. This is one of our fears, also, is our security clearances are stripped. In this town, as you can appreciate, that makes us unmarketable.

But basically, then, I do want you to understand that I was a subcontractor to Northrop Grumman. I was the manager. I was in on the proposal that Northrop Grumman did to EOP from the very beginning. I was one of the key people in that proposal. I did the orals and I had a great staff under me that was all Northrop Grumman, except for Ms. Salim, who was with another contractor. And we went forward to try to do our very, very best on this particular project.

When I was informed later about some of the e-mails that were included in the findings, it did come up that there were e-mails

from Lewinsky, from Filegate, had to deal with Vice President Gore's campaign contributions, the trade seats, etc., so there were some very significant issues that were before the Government at that time that were quite evident in the lost e-mails.

We did meet, as was stated. We felt some pressure from various people around. We did meet privately. We did go to the park. We did sometimes go across the street to Starbuck's and speak in generalities.

Somehow along the way, when we came out of one of the meetings, Sandy was basically asked to do work on a project by the COTR, and the COTR——

Mr. BURTON. Excuse me. Would you identify Sandy? We don't——

Ms. LAMBUTH. Sandy Golas, Ms. Golas, who is also on the panel. Sorry.

And he asked her to work on a particular problem. She informed him that she could not at that time because we had a special project. He asked her what it was. Going along with what we had been told, she did not tell him.

It is my understanding that at that time she was taken down to Steve Hawkins, who also asked her the same question. She refused to tell and was threatened at that time by Mr. Hawkins with loss of job and being fired also.

I was called at that time. I was in the doctor's office. I was called by Mr. Haas. I talked to Sandy, who was extremely upset. I've never seen Sandy that upset. She's a very level-headed person. I spoke with Sandy. She told me what had gone on. I told her just to hang tough, I would be back.

I at that time called Steve, talked to Steve, asked him some questions, basically told him that if he had some issues with this whole thing, he needed to address me, but I did not want him interrogating my staff or putting them under undue pressure.

I then left the doctor's office in Vienna, went back downtown to EOP, addressed Steve. I found Steve. He basically said he had nothing else to say to me, that I was insubordinate, and that I could not refuse to tell him, and things—that he would get me off the contract, which did take place in July 1998.

Along with it having become apparent that the White House was not going to proceed and let anyone know that these—that this issue had occurred, there was definitely a stalling delay. And the reason that I say that is that I kept asking for meetings. I couldn't get meetings. I was asked to come up with how much time was required for an individual to search these records, what equipment would be needed. I gave all of these facts, turned all of this over. And every time I asked what was to happen on this, where we were going, I could get no answers.

Also, when it became very evident that I was going to be removed from the contract, there was—Northrop Grumman had done a reorganization. All my people were put out under different managers, so, therefore, they could no longer work as a group on this particular issue. They were approached by some of the Government people to—that I needed to remain there because of the knowledge, etc. That was turned down, which was their privilege to do that.

However, in doing so, it has another significant consequence, and that was the fact that, with no manager there, they basically had no one to get direction from. By being spread out amongst other managers now, they had no one person to go to with these issues or that was aware of all of the tasks that they had to do, so it made it a little bit more difficult.

They had brought in another person, Jim Webster, from the same company that Yiman works for, to take my place. I think that there was, from what I had heard, that there was some resistance to opening up to him, and I wasn't told until the last day that I was there that I could even talk to him about the project.

And Mr. Webster, to my knowledge, only stayed a few weeks and then left the project, so they basically were with no supervision, as far as having a manager.

Mr. BURTON. I think, Ms. Lambuth, that we have pretty much covered the basic problem, and we'll get back to you in just a few minutes with some questions.

Ms. LAMBUTH. OK.

[The prepared statement of Ms. Lambuth follows:]

STATEMENT OF BETTY LAMBUTH BEFORE HOUSE GOVERNMENT REFORM
COMMITTEE ON THURSDAY, MARCH 23, 2000

Mr. Chairman, I appreciate the opportunity to testify to your committee and, more importantly, the American people about the issue of missing and hidden e-mails at the Clinton-Gore White House. I want to tell you the truth about the e-mail scandal, which we termed Project X, and how I and my colleagues were threatened by Clinton-Gore White House officials with loss of our jobs, arrest, and jail if we told anyone about the e-mail problem. I was told that these e-mails contained information relating to Filegate, concerning the Monica Lewinsky scandal, the sale of Clinton Commerce Department trade mission seats in exchange for campaign contributions, and Vice President Al Gore's involvement in campaign fundraising controversies.

Judicial Watch, which is representing me in these matters, deserves credit for seeking the truth in these matters and I hope the Court in their cases, along with Congress, take strong action to ensure these e-mails and other records are not destroyed and justice is obtained concerning the threats and intimidation I received from the Clinton-Gore White House.

Background

I was an employee for CEXEC in the Information Systems and Technology Division ("IST") of the Clinton White House Office of Administration ("OA"). CEXEC was a sub-contractor for Northrop-Grumman at the Clinton White House that helped run and maintain its computer systems. My duties and responsibilities included but were not limited to the management of all computer message systems, e-mail and Internet security services within the Executive Office of the President ("EOP").

Discovery of the E-Mail Problem

In May 1998, I learned that one of the computer e-mail servers, which housed incoming e-mail to much of the top Clinton White House staff, approximately 500 individuals, was not being records managed by the Automated Records Management System ("ARMS"), which would have allowed their text to be searched in response to subpoenas and other inquiries. The apparent cause of this e-mail problem occurred in August, 1996. As the Clinton White House received approximately 20,000 incoming e-mail per day, this meant that, as of May, 1998, a significant number of e-mail were not records managed and not being searched in response to subpoenas and document requests.

I informed as soon as possible my Clinton White House supervisor, Laura Crabtree, of the e-mail server problem, who quickly understood the technical and legal severity of the problem. I understand Crabtree then went to the Clinton White House OA office and spoke with its counsel, Mark Lindsay. Crabtree also informed Paulette Cichonne, another official at the Clinton OA, of the problem.

Threats of Arrest, Jail, and Loss of My Job

After consulting with Lindsay and Cichonne, Crabtree, acting on their instruction, said that I was forbidden to say anything to anyone concerning the e-mail server problem. Crabtree specifically stated that I and my staff was not to inform Steve Hawkins, my Northrop-Grumman manager at the Clinton White House. Crabtree told me that if I did talk about the e-mail problem, I would lose my job, be arrested, and jailed.

I then sought a meeting with Mark Lindsay and Paulette Cichonne about the e-mail problem. At that meeting, Mark Lindsay reiterated Crabtree's comments and told me directly that I nor any of my staff were not permitted to discuss anything concerning the e-mail problem with anyone, including Steve Hawkins. Lindsay said that if I or any of my team who knew about the e-mail problem told anyone else about it we would lose our jobs, be arrested and put in jail.

I conveyed Lindsay's threats to my staff at the Clinton White House who knew of the e-mail problem. The members of my contractor staff were worried about the threats as well. In fact, to maintain the Clinton White House's ordered secrecy about the e-mail problem, my staff and I held meetings to discuss the issue outside the office in a park close to the New Executive Office Building and in a nearby Starbucks. Also to ensure secrecy, the e-mail problem was called Project X.

I was initially instructed to work up technical plans and cost estimates to fix the e-mail problem. But within days, I quickly came to the conclusion that the Clinton White House had no intention of fixing the problem, despite their knowledge that the e-mail in issue contained many e-mails from and to Monica Lewinsky, who was then involved in an ongoing criminal investigation. My conclusion was based on the fact that nothing was done to fix the problem and the e-mails continued to be left out of any searches in response to subpoenas and other document requests.

E-Mails Contain Evidence About Filegate, Chinagate, Al Gore, Commerce Trade Missions, Lewinsky

A contractor for Northrop-Grumman whom I supervised, and who examined this group of e-mail, told me the e-mail contained information relating to Filegate, concerning the Monica Lewinsky scandal, the sale of Clinton Commerce Department trade mission seats in exchange for campaign contributions, and Vice President Al Gore's involvement in campaign fundraising controversies.

I delivered a sample of e-mails relating to Monica Lewinsky to Mark Lindsay in the Old Executive Office Building.

Daniel Barry Kept in Dark Before Congressional Testimony

The Clinton White House considered but did not call Daniel A. Barry, an e-mail computer specialist for the Clinton White House, back from vacation to inform him about Project X. So when Barry did return from vacation, he was unaware of Project X even though he was about to

testify to Congress concerning White House e-mails and Monica Lewinsky. As a result, Barry did not have this relevant information about these 100,000 e-mails when he testified to Congress.

Removed from Clinton-Gore White House Because of Project-X Threats

Steve Hawkins somehow found out that a major issue (the e-mail problem) was being kept secret from him. He pressured me and another female member of my staff to divulge the information about the secret project on which we had been working. He told us that unless we told him, we would be removed from our positions at the Clinton White House. He also told my other female staffer that would not have any job at all if she didn't tell him about the secret project. Lindsay and others on the Clinton White House staff who knew why I wasn't telling Hawkins about the e-mail problem never intervened with Hawkins to protect my job. For fear of going to jail, per Lindsay's and others' threats, I did not tell Hawkins about the e-mail problem. This led Hawkins to request that CEEXEC remove me from my assignment at the Clinton White House. This was done and I left the Clinton White House in July, 1998. (I still remain employed with CEEXEC.)

Thank you, Mr. Chairman.

Mr. BURTON. Mr. Haas, did you have some comments that you'd like to make?

Mr. HAAS. Yes, sir.

Mr. HAAS. Good morning. My name is Robert Haas. I was asked to come before you today to talk about what has been called the "Mail2 problem" at the White House. I do so voluntarily.

I have worked at the Executive Office of the President for the past 9 years. I have worked for Northrop Grumman since November 1997, when they were awarded the contract to provide computer information services at the White House complex.

I am a Lotus Notes administrator. Lotus Notes is the e-mail system that is currently in use at the White House today.

Northrop Grumman administers the records management system for certain agencies in the EOP.

On June 15, 1998, I was called to a meeting in the office of Laura Crabtree, a civil servant for IS&T of the Office of Administration. During the first part of the meeting, Mark Lindsay was on a speaker phone addressing the group, which included, in addition to myself, Ms. Crabtree, John Spriggs, Sandy Golas, Yiman Salim, and Betty Lambuth.

Mr. Lindsay told us that the discovery of the Mail2 problem was to be treated as top secret and that only Ms. Crabtree, Ada Posey, and Mr. Lindsay, himself, could authorize the group to talk to anyone else.

Mr. Lindsay specifically told us not to talk to Steve Hawkins, the project manager for Northrop Grumman and our ultimate supervisor on the site.

Mr. Lindsay hung up after about 5 minutes, and Ms. Crabtree told me that I could not tell even Ms. Virginia Apuzzo anything if she asked.

In a somewhat flippant way, I asked what would happen if I did tell her or my wife, and Ms. Crabtree responded that there would be a jail cell with my name on it.

Overall, my impression of the meeting with Ms. Crabtree and Mr. Lindsay was very serious about their warnings. I'm not a lawyer and did not know one way or the other whether there was any basis for their threats, but I did take to heart their instructions and tried to obey them carefully.

This is a brief summary of my recollections of the discovery and the report of the Mail2 problem.

Thank you, Mr. Chairman.

Mr. BURTON. Thank you, Mr. Haas.

[The prepared statement of Mr. Haas follows:]

STATEMENT OF ROBERT HAAS

Good morning. My name is Robert Haas. I was asked to come before you today to talk about what has been called the "Mail2 problem" at the White House. I do so voluntarily.

I have worked at the Executive Office of the President ("EOP") for the past ten years. I have worked for Northrop Grumman since November 1997 when they were awarded the contract to provide computer information services for the EOP complex. I am a Lotus Notes Administrator. Lotus Notes is the e-mail system that is currently in use at the White House. Northrop Grumman administers the records management system for certain agencies within EOP.

On June 12, 1998, in my capacity as a Lotus Notes Administrator, I was working with another employee when I discovered that a problem had occurred with the records management portion of the e-mail system for users on the Mail2 server. The problem had occurred in the system when the contractor that had preceded Northrop Grumman prepared a program to scan the mail servers that operate the e-mail system. The mail files of each of the people working for the White House are located on one of these servers. When we found that a problem existed, we began trying to identify the source of the problem. We found that a very technical programming mistake

had been made by a prior contractor having to do with upper and lower case letters. But because of this single mistake, e-mail coming into the Mail2 server via the internet had not been records managed according to the procedures used for the other mail servers. The error we found in June 1998, affected only e-mails that were inbound to the White House from the Internet to those users who were served by the Mail2 server.

The programming error that caused the problem can be explained as follows: When the Mail2 server ID was created, the programmer created the ID using the word "mail" but using an uppercase "M" and lower case for the letters "a-i-l" in the title word. When the security group began registering the users on the Mail 2 server, their server entries were spelled using all UPPERCASE letters. This turned out to be a significant error because these particular systems were case sensitive, that is, the Mail2 server and the ARMS scanning process could not communicate with each other unless the server names match EXACTLY. Therefore, when ARMS tried to communicate with the Mail2 server, it did not recognize the server name. As a result, while it captured the e-mails coming into all other mail servers, it failed to capture the e-mails in the Mail2 server.

On June 12, 1998, when I originally discovered the Mail2 problem, I immediately reported the problem to my direct supervisor, Betty Lambuth.

On June 15, 1998, I was called to a meeting in the office of Laura Crabtree, a civil servant for the Information Systems & Technology of the Office of Administration. During the first part of the meeting, Mark Lindsay was on a speakerphone addressing the group, which included in addition to Ms. Crabtree, John Spriggs, Sandy Golas, Yiman Salim, Betty Lambuth, and myself. Mr. Lindsay told us that the discovery of the Mail2 problem was to be treated as "top secret" and that only Ms. Crabtree, Ada Posey and Mr. Lindsay himself could authorize the group to talk to anyone else.

Mr. Lindsay specifically told us not to tell Steve Hawkins, the project manager from Northrop Grumman and our group's ultimate supervisor on site. Mr. Lindsay hung up after about five minutes, and Ms. Crabtree told me that I could not tell Ms. Appazo anything. In a somewhat flippant way I asked what would happen if I did tell her or my wife, and Ms. Crabtree responded that there would be a jail cell with my name on it.

Overall, my impression of the meeting was that Ms. Crabtree and Mr. Lindsay were very serious about their warnings. I am not a lawyer and did not know one way or the other whether there was any basis for their warnings. But, I did take their instructions to heart and tried to follow their rules carefully.

That is a brief summary of my recollections of the discovery and report of the Mail2 problem, Mr. Chairman.

Mr. BURTON. Mr. Barry, did you have comments you'd like to make?

Mr. BARRY. Yes, sir. I have a brief statement.

Mr. BARRY. Mr. Chairman, I want the committee's record to show that I am Daniel A. Barry and I have been employed by the Executive Office of the President/Office of Administration since June 1992. My current title is deputy data center manager/electronics records manager, and I have responsibility for the records that are received by the automated records management system [ARMS], and for the overall system administration of ARMS.

I am here today at the request of the chairman and would be pleased to answer any questions that you may have about the ARMS system.

Thank you.

Mr. BURTON. Thank you, Mr. Barry.

Any others like to—yes, sir, Mr. Hawkins.

Mr. HAWKINS. Good morning, sir.

My name is Steven Hawkins, former program manager for Northrop Grumman at EOP.

I am here voluntarily before this committee to provide facts pertaining to this matter today.

I wasn't going to give an opening statement; however, I have to contradict several statements made.

As a manager under the Government contract, we have strict rules of business etiquette to work by. Ms. Lambuth said she worked directly for Ms. Crabtree. That is incorrect. Her manager was Bob Whiteman. At no time was the records management group unmanaged during the tenure of Northrop Grumman.

I would also like to say that Northrop Grumman employees were called to unauthorized meetings because of Ms. Lambuth. Repeatedly during the time of employment at EOP, Ms. Lambuth was counseled by her manager, by me, and by her CEXEC management for failure to comply with management directives, and I find it appalling that she is trying to make allegations that Northrop Grumman failed to manage the Notes group at any given time. They had strict supervision. Mr. Bob Whiteman was that manager. And throughout the contract, Mr. Whiteman and Ms. Lambuth were both counseled to make sure that they followed the terms and conditions of the Northrop Grumman contract with EOP.

I had a lot of difficulty in that area, especially with Ms. Lambuth wanting to work very closely with Government employees and failing to follow the Northrop Grumman program management's directions and the term and conditions of the contract.

Thank you.

Mr. BURTON. Any other opening comments?

[No response.]

Mr. BURTON. Well, then, I will start—I'm sorry, Mr. Spriggs, go ahead. You are welcome to make an opening comment.

Mr. SPRIGGS. Mr. Chairman and members of the committee, my name is John E. Spriggs, Jr. Since September 1996, I have worked on various contracts for the information systems and technology division of the Office of Administration within the Executive Office of the President of the United States. Since December 1997, I have been employed by Logicon, a Northrop Grumman company, and

have served as a senior systems integration engineer on their Executive Office of the President contract.

The systems I helped maintain include but are not limited to a dozen or so EOP electronic mail gateways and mail servers, the EOP access verification systems, Internet e-mail servers for both the President and the First Lady. I maintained certain mail servers and gateways also for the Office of the Vice President, news wire servers for the White House Press Office and the EOP community, as well as three Lotus Notes records management servers. I appear voluntarily and have voluntarily testified before the Senate Governmental Affairs Committee on these topics.

I do not have firsthand knowledge of all the facts in these matters, and many aspects are technically complex and clouded by the passage of time and the intervention of other events.

To the best of my knowledge, my actions and those of my colleagues were properly supervised and directed. They were law-abiding and within the scope of the existing Logicon contract.

The Executive Office of the President of the United States is, indeed, a challenging place to work. I appreciate more than I can express in my remarks the dedicated service that is rendered daily by the men and women who labor there, whether they are volunteers, contractors, Civil Service employees, or Presidential appointees.

Thank you, Mr. Chairman, and members of the committee.

Mr. BURTON. Any other comments from any of the members of the—

Mr. KLAYMAN. Yes, Your Honor. May I make a statement, insofar as my client was attacked, a brief statement of order?

Mr. BURTON. I understand. Legal counsel can only confer with their clients. We do appreciate your being here—

Mr. KLAYMAN. But the point is that Northrop Grumman—

Mr. BURTON. I understand, but she can speak for herself.

Mr. KLAYMAN. All right. I'll let her speak for herself.

Mr. BURTON. You can make the comment.

But let me, before we get into a discussion or a debate about that—we could get to that when I ask you questions, Ms. Lambuth, because I think we need to start the questioning now.

Do you have a comment you'd like to make, Ms. Golas?

Ms. GOLAS. My name is Sandra Golas. I am appearing here voluntarily.

I manage the VAX systems at EOP. I handle all the records management applications on the back side. I don't deal directly with Lotus Notes applications; however, I have been involved with the Mail2 issue, and I will answer any questions you have for me.

Thank you.

Mr. BURTON. Thank you very much.

Any other comments?

[No response.]

Mr. BURTON. If not, we'll start the questioning. First of all, let me make a comment. I understand there may be some personality conflicts and some personnel conflicts and some disagreements on management, and that is not a major concern that I have as chairman and I think as most Members have, and I'll let them express themselves when they get to questions.

My big concern is we subpoenaed documents from the White House. The Justice Department subpoenaed documents from the White House, as did the independent counsel. These documents were important for a number of investigations—the so-called “Filegate” investigation, the travel office investigation, Waco, the campaign finance investigation.

Now, this started, as I understand it, in September 1996, when there was a glitch in the computer operation. The big problem about the campaign finance investigation was going on at that time, because there were questions about campaign contributions coming in from China, Macau, Indonesia, Taiwan, Egypt, South America, and elsewhere, and so these e-mails could be very relevant to that investigation, as well as the other investigations.

So I hope, during this conversation we’re going to have—and I hope it is more conversational and not acrimonious, because, obviously, when you have a lot of people working in an office you do have these problems, even in my office, you know. I’m always right, the employees are always wrong, but that’s the way it goes.

But the facts we want are these: when did you find out that there was a glitch? As I understand it, it was in 1998. There was a meeting called. And what I want to ask you—and my first question, and I would like to go right down the line, is: what happened at that meeting with Ms. Crabtree and Mr. Lindsay on the phone?

So those who were at that meeting, the first question I want to ask you is—and I want your answer to be as succinct as possible—what do you recall happening.

Mr. Haas, I think you have been pretty clear. We understand that you said that Mr. Lindsay was on the phone, he said this was top secret, and to keep your mouth shut about it.

Now, during that time that he was on the phone, there was no threat made other than this was top secret and to be kept quiet; is that correct?

Mr. HAAS. That’s correct, by Mr. Lindsay.

Mr. BURTON. To your recollection.

Mr. HAAS. That is correct.

Mr. BURTON. Now, Ms. Crabtree, when you hung up the phone—when he hung up the phone, you said, “Well, what would happen if I told my wife or somebody else,” and she said?

Mr. HAAS. That there could possibly be a jail cell with my name on it.

Mr. BURTON. And you recall that vividly?

Mr. HAAS. Yes.

Mr. BURTON. OK. Now, who else was in that meeting? Ms. Golas, what do you recall about the meeting?

Ms. GOLAS. Most of what Bob remembers. I remember the conversation. Mr. Lindsay was called and put on the speaker phone, and I remember him talking to us and telling us it was very important that we didn’t take the information out of the room, that we shouldn’t discuss it with anyone.

After the conversation, I don’t remember who said it, I do remember the word “jail” being used, because I later relayed that same statement to Steve.

Mr. BURTON. When you relayed that to Steve, Mr. Hawkins, tell me how you relayed it.

Ms. GOLAS. Well, he was trying to get me to tell him what I was working on, and I was standing behind the table, and he said, "You're bordering on being insubordinate," and I said, "If it's a choice of being insubordinate or going to jail, I guess I'll have to be insubordinate."

Mr. BURTON. So you did feel a threat?

Ms. GOLAS. Somewhat, yes.

Mr. BURTON. OK. Who else was in the meeting? Ms. Salim, what do you recall?

Ms. SALIM. I recall going into Laura Crabtree's office and being told—Laura basically told us that she had reported this problem to Mr. Mark Lindsay and to the director of OE at the time, Ada Posey, and she told us that so far only them three and us knew about this problem, and she asked us—I remember very clearly and vividly her telling us not to discuss this problem with anyone, to include our families and spouses, which at that point that's what I found a little bit strange, which being, you know, being told not to discuss this issue with anyone.

I remember it being very serious. They told us it was a sensitive matter.

Basically, my understanding was that we weren't to discuss this problem with anyone, but my real understanding was that they would—until they could manage the situation—this was my understanding—that they would appreciate from us not to discuss this with anyone, and my feeling was that, until they could—until this could be managed or they could manage the situation.

Mr. BURTON. But they did ask you to—they indicated it was top secret. And did you feel threatened?

Ms. SALIM. I did not feel threatened. I did not feel personally threatened by this. And I didn't—

Mr. BURTON. Did they tell you it was top secret and to keep it quite?

Ms. SALIM. I don't remember the word "top secret." I don't recall the word "top secret." What I do recall is being told that this is a sensitive matter, and to keep it confidential, basically not to discuss it with anyone.

Mr. BURTON. Including your husband or anybody?

Ms. SALIM. Correct.

Mr. BURTON. So they did ask you not to even tell your spouse or anyone?

Ms. SALIM. Correct.

Mr. BURTON. OK. So they did want you to keep a lid on it?

Ms. SALIM. Correct.

Mr. BURTON. OK.

Ms. Lambuth. Or Mr. Spriggs. We'll just go right down the line.

Mr. Spriggs.

Mr. SPRIGGS. Yes, I was there. Similar to Yiman, I did not hear the word "jail." In the reference to not telling your family, your wife, your spouse, my attention picked up more on that, more of a concern about not talking about that with my wife.

Another reference to—we typically have a lot of hallway conversations. There are always people that are around that come through our office. So, again, Ms. Crabtree was specific about hall-

way conversations, keeping those under control, don't talk about this, as well.

But, again, no—I don't specifically remember a reference to jail, either.

Mr. BURTON. Well, but you do recall—and I don't want to put words in your mouth, but you do recall that they said this is something that is very sensitive, should be kept secret, and don't even talk to your spouse about it?

Mr. SPRIGGS. That's correct. Again, I—not the word "top secret," which you characterized or someone characterized. Much more like what Yiman was saying, and my remembrance was extremely sensitive. It was, "Keep a lid on it until we find out more about this."

The major thrust, from my point of view, was that there was a point of contact or points of contact that were specifically mentioned to us. Any information that we were to get or give to the Government was to be done through Betty Lambuth and Laura Crabtree; that any instructions that we were to receive would come through Laura and Betty to us. So that was our clear, if you would, line of authority, as far as we knew. And again, the specific reference to Steve Hawkins and also to Jim Wright were made, so there was no——

Mr. BURTON. They didn't want Mr. Hawkins or Mr. Wright to know about it?

Mr. SPRIGGS. That's correct. Specifically, those people they did not want us to talk to about it, so the names were specifically mentioned.

Mr. BURTON. OK. Well, from those of you who answered so far, you are pretty consistent. They wanted you to keep this very quiet. There's some difference as to whether or not there was a threat of jail. Some of you remember it, some of you don't. There is also some question about the word "secret." But I think all of you had the same impression: this was very sensitive and you were supposed to keep it quiet; is that correct?

[Witnesses respond in the affirmative.]

Mr. BURTON. OK. They've all answered in the affirmative.

Ms. Lambuth.

Ms. LAMBUTH. Yes.

Mr. BURTON. Pull the microphone close to you, please.

Ms. LAMBUTH. Well, I obviously had more meetings on this whole issue than the rest of my staff did in informing, and I apologize if I said that Laura was my direct supervisor. What I meant to say was she was my direct Government supervisor.

Mr. BURTON. What we're really interested in, Ms. Lambuth, is what went on in that meeting, what went on in the conversations between you and Ms. Crabtree and Mr. Lindsay. Those are the things that are so relevant to what we want to find out, because those documents had been subpoenaed by several agencies of the Government. They were obligated to give them to us, and keeping them quiet is very serious, so we need to know what was said by Ms. Crabtree and Mr. Lindsay.

Ms. LAMBUTH. Right. OK. I apologize, but what I was trying to say was I had more than the one conversation that my staff was in, so some of this is going to mold in together.

Mr. BURTON. Sure.

Ms. LAMBUTH. But I was told by a couple of different people that we were not to talk to anyone. The names of Steve, the COTR, Jim Wright, were mentioned. We were not to talk to our spouses, anyone other than those of us that already knew about this particular project, and then anyone else that they gave us permission to talk to.

They did tell me that if any of us did talk about this, they basically threatened us that my staff would be fired, would go to jail, would be arrested and go to jail, and that was made very clear more than one time.

Mr. BURTON. By whom?

Ms. LAMBUTH. Laura Crabtree relayed it first as being said by Mark Lindsay. That afternoon when I went up, or evening, when I went up and talked to Mark Lindsay, Paulette Cichon was there. Mr. Lindsay reiterated the same thing that I had been told by Laura Crabtree, so I was told by Laura for Mr. Lindsay and then by Mr. Lindsay, himself.

Mr. BURTON. Let me ask you this, now. As I understand it, a number of you—maybe all of you—met at a park and talked about these issues, or met at—what was that, Starbuck's?

Ms. LAMBUTH. Starbuck's.

Mr. BURTON. Is this a commercial for Starbuck's? [Laughter.]

Met at Starbuck's and talked about this. How many of you met at those different meetings? Can you hold your hands up?

[Show of hands.]

Mr. BURTON. So all of you that were involved in the meeting. Why did you feel—and any one of you can answer. We'll let each one of you answer—why did you feel it was important to meet outside the White House to discuss these things at either the park or Starbuck's? And you can just go right down the line. Make your comments as brief as possible.

Mr. SPRIGGS. Again, we're talking in the June timeframe, so there were basically—there's a lot going on at the Executive Office of the President. There are—with the office arrangement that we have, it is quite easy for people to be overhearing conversations. My office is very much of a central place, if you would, for people to come to. As I said in my opening statements, I'm responsible for a lot of different things, so people are always coming around me and my colleagues.

So if we're going to talk about this stuff and keep it under wraps, then we have to be careful as to where we are. Ms. Lambuth's office was quite small. Even closing the door, we get into rather animated discussions at times, and so it became obvious that we needed to get to a place where we could talk about this.

Given that it was nice outside, there were opportunities for us to go out to the park—only once, I believe it was, maybe twice.

The question of Starbuck's, my colleagues, particularly Ms. Lambuth at the time, drank Starbuck's coffee and she liked to go over there and get it. I'm a McDonald's person, if I'm going to get my plug in here. [Laughter.]

So I would go over to McDonald's and get my soda. And so we would talk about this, again trying to keep some level head about all of this getting away from the hubbub of activity that we have within the office.

Mr. BURTON. But the point is that you felt it was necessary to go to some place private because of the level of concern that was expressed to you by Ms. Crabtree and Mr. Lindsay?

Mr. SPRIGGS. That's correct. To amplify it just a little bit more, there were actually meetings where we would go to the second floor of the new Executive Office Building. That room is—it's a very large room for divisional parties or presentations by the divisional chief, or whatever. We would actually go to that room. We would know basically who was there. We would be able to talk openly. It was a large enough room that, again, just the team of people being there. So we felt fairly comfortable that we were keeping to the assignment, which was to keep it under wraps and like that.

Mr. BURTON. I think that—is that pretty much what all of you recollect? Ms. Crabtree, do you recollect any more—or Ms. Lambuth, I'm sorry, do you recollect any more?

Ms. LAMBUTH. No.

Mr. BURTON. That's pretty much it?

Ms. LAMBUTH. That's basically it. When we would meet on the second floor, sometimes, because the smoking area was on the balcony outside, we had a lot of people staring in, and Jim Wright happened to be one of those people that would look at us with questioning eyes at some times, so we felt a little bit better going off premise.

Mr. BURTON. OK. Mr. Hawkins, I understand that you're one of the most senior Northrop Grumman employees that were onsite. When did you first become aware of this situation?

Mr. HAWKINS. It was the—in June/July timeframe.

Mr. BURTON. Of? June or July of?

Mr. HAWKINS. 1998.

Mr. BURTON. 1998.

Mr. HAWKINS. Mr. Jim Wright, the COTR—contracting officer's technical representative—the person who could authorize Northrop Grumman to work on EOP. He came to my office extremely displeased, and after 2 or 3 minutes of peeling him off the ceiling, because he said that Northrop Grumman employees were working out of the scope of the contract, I got him to calm down, and then he gave me the fact that he walked in Ms. Golas' office, and she basically said that she couldn't tell Mr. Wright what she was working on, and he felt that that was inappropriate, and he also felt that it was a violation of our contract. Therefore, he asked me to investigate, and I told him I would.

That was the first time.

Mr. BURTON. Did—I'm going to yield to my colleague here in just a minute, but did—when did you find out that they felt like this was something—some felt that they were threatened and some felt like that they had to keep a lid on this because there might be repercussions?

Mr. HAWKINS. Well, once I asked Ms. Golas to come to my office, she was very nervous, to say the least, very fidgety. And when I asked her what she was working on, she just totally came unglued and told me that it was basically none of my concern. I said, "Well, you've told that to Jim, now you've told that to me, and that's pretty serious in the government contracting world, that—being cited

for working outside the scope of the contract. I needed to have that information.”

Well, I gave Ms. Golas 30 minutes to go back to her office, think about her position. I did tell her the consequences would be insubordination.

Within a short period after she left my office, the three individuals being Sandy, Bob Haas, and John Spriggs, came to my office. And that’s when I first knew that there was a problem. They felt very uncomfortable talking about it, Bob more so, saying that he was threatened.

Mr. BURTON. Could you use their last names, because——

Mr. HAWKINS. Excuse me. Bob Haas.

Mr. BURTON. Bob Haas? OK.

Mr. HAWKINS. Felt that he was very threatened with what had gone on. Mr. Spriggs, being very calm, he said he was concerned.

All three employees I would characterize as being extremely nervous in the situation.

At that time, they requested that they seek legal counsel from Northrop Grumman, which we did, and——

Mr. BURTON. OK. I think that pretty much answers where we are.

Mr. LaTourette, I’ll yield you the balance of my time.

Mr. LATOURETTE. Thank you very much, Mr. Chairman.

I want to reiterate, first of all, the chairman’s remarks that how pleased I think everyone on the committee is that so many of you came voluntarily to this hearing.

I was at a meeting yesterday with Senator John McCain, who until recently was running for President, and he was making some observations. As you know, he is a champion of campaign finance reform, and he was making some observations that he was glad that the Vice President of the United States, Mr. Gore, was now a discipline of campaign financing reform and has learned his lessons from experiences that occurred out of the Buddhist Temple fundraiser in California.

But he went on to say—and something that struck me—was that in order to prove that reformation, perhaps the Vice President should call for a complete independent review of the campaign fundraising abuses of the 1996 election season.

The word “independent” struck me, because in this case the subject of this hearing—as the chairman said, you had the Justice Department on both sides of the issue. They should be interested in these e-mails on the basis of all of the subpoenas that went to the White House, but they are also defending in civil litigation against the production of these e-mails.

So, since that request hasn’t been forthcoming, this committee and other committees of the Congress, we sort of slog along, and we don’t always get the best reputation, and the reason for that is that people come before the committee and they supply information to the committee about what they’ve seen or what they’ve heard or what they’ve experienced. We schedule a hearing. The chairman usually lays out in his opening remarks what the hearing is going to be about, and then the hearings don’t always live up to their expectations because people leave the country, some people die,

records disappear, and a couple years later they show up on coffee tables in people's houses and we can't figure out how that happens.

And then that invariably leads the members of the minority, particularly our distinguished ranking member, to say something like, "Here we go again." And my favorite in the last couple of areas was something along the line that the chairman was wrong that Mr. Wang said about Mr. Huang, just because of its alliterative quality, if nothing else.

And so I'm glad you are all here, but there are some discrepancies in what it is you've presented to us. I would like to start with those, and, Ms. Lambuth, I'd like to start with you.

I have been supplied with a—I believe, an affidavit that you've executed, and I want to read you a couple of paragraphs and see if you still affirm to that today, and then it involves a couple of your cohorts here, Mr. Haas and Mr. Barry, in particular.

I'd like to read you this paragraph. "A contractor from Northrop Grumman, whom I supervised and who examined this group of e-mails, told me the e-mails contained information relating to Filegate, concerning Monica Lewinsky, the sale of Clinton Commerce Department trade mission seats in exchange for campaign contribution, and Vice President Al Gore's involvement in campaign fundraising controversies."

Did you attest to that under oath somewhere?

Ms. LAMBUTH. Yes.

Mr. LATOURETTE. And do you still stand by that today?

Ms. LAMBUTH. Yes, I do.

Mr. LATOURETTE. OK. And the contractor for NG that you supervised, is that Mr. Haas?

Ms. LAMBUTH. Yes.

Mr. LATOURETTE. Mr. Haas, after this Mail2 problem was determined—and, basically, as I understand it, a server was off-line and not being subject to capture in the ARMS system; is that—so e-mails coming into the White House weren't being captured by the ARMS system on this mislabeled, or you had small type mailed to as opposed to—

Ms. LAMBUTH. That's a simplistic—

Mr. LATOURETTE. Well, I'm a simplistic kind of guy, and so you're going to have to bear with me.

So was Mr. Haas tasked with the responsibility, after this problem was discovered, of performing a manual search of these tapes?

Ms. LAMBUTH. Yes. He was actually tasked with a couple of different things. One thing was we were trying to determine the number of messages that were involved and how much time was going to be required to do that.

The other thing that we had to try to figure out was, since we were being—in this contract we were supposed to support all messaging, all of the ARMS, etc., plus some other duties that Bob had, that how much time this would take so that taking him away from some of the other duties—who we could transfer those to, amount of time, etc. But yes, he did do some searches.

Mr. LATOURETTE. OK. But my specific question has to do with: is it your recollection that you were informed by Mr. Haas that the e-mails contained in these misdirected Mail2 servers contained information or e-mails or documents relating to all of these—

Ms. LAMBUTH. Yes.

Mr. LATOURETTE [continuing]. Ongoing investigations of the U.S. Congress.

Mr. Haas, I turn to you now, sir. Did you have a responsibility to go through and search the backup tapes that have become the subject of this hearing?

Mr. HAAS. First of all, let me make it clear I have nothing to do with the backup tapes.

Mr. LATOURETTE. OK.

Mr. HAAS. I believe what Ms. Lambuth is referring to me searching was the mail servers and the current mail files that existed on those servers at that time.

I was charged with one task of finding all the iterations of people that had not been managed during that period of time, once we figured out what the failure was.

And, upon doing that, I was to open every mail file, go to a particular view which held those documents in a single view, write down account, and try to find the date of the oldest document in each person's and present that list. It was a list of some 525 mail files that were involved at that time.

Shortly after I got in the middle of this—it was taking several weeks to go through, because I was manually doing it with my eyes and my fingers—I was asked to look in a couple of specific mail files for particularly Monica Lewinsky was the sender. And upon finding—

Mr. LATOURETTE. Who gave you that instruction?

Mr. HAAS. Every instruction I ever received was from Betty Lambuth.

Mr. LATOURETTE. OK.

Mr. HAAS. That was the agreement.

Mr. LATOURETTE. OK.

Mr. HAAS. Anyway, I found a large cache of documents in one mail file, and I think four documents in another mail file. I then notified her of that.

At no time, other than I was asked to test two documents from the Monica Lewinsky cache to verify that the anomaly Mr. Barry had reported during the original Monica search—he stated he saw incoming—it appeared to be a conversation, but they only had the one half of it. So we took a trial time. They could tell me exact time of day on a particular day, and I looked in that cache and found the corresponding replies outbound—I mean, sorry, we had the outbounds but not the inbound. And I found the corresponding.

So I looked at two documents of the Monica Lewinsky, just to verify there was a conversation going on and here was the other half.

At no time did I look at any other documents in any other mail files, nor have I ever mentioned that there was any involvement with Filegate or any other document. It is my practice, as a systems administrator there, to never read the mail from other people because it is detrimental to my job, my sanity, if you will, to do that type of activity, and it's not within the guidelines of my job to do. I don't need to read your mail to fix your mail file.

Mr. LATOURETTE. I would hope not.

And so, Ms. Lambuth, that conflicts with your recollection of the events? Is that a fair observation?

Ms. LAMBUTH. Yes, that does conflict.

Mr. LATOURETTE. OK.

Going back to you, Ms. Lambuth—

Mr. BURTON. Can I followup just 1 second.

Ms. Lambuth.

Ms. LAMBUTH. Yes, sir?

Mr. BURTON. Can you elaborate for Mr. LaTourette and the committee exactly what made you believe that there were sale of trade mission seats that the Vice President was involved in, campaign fundraising, and so forth? Can you get into that in some detail, as quickly as you can? Because if there is a conflict here, we need to resolve it. We need to find out, you know, if somebody is either misinformed or has forgotten.

Ms. LAMBUTH. Right.

First of all, Bob is right. We do not read anybody's e-mail message. I want that on the record. But we do find certain information when we do searches. And there are other people that basically were also told that there were records with Filegate, the trade mission seats, Vice President Gore's, etc., but—and Monica Lewinsky. And Bob was asked to search at one time specifically for Monica Lewinsky.

To the best of my knowledge, as I reported before, I was told that there were e-mails in there that was not only from Monica Lewinsky, but the trade, the campaign contributions, and various other things. And we—this can also be verified by Ms. Hall, and Ms. Hall is here in the room—that she was also told this.

Mr. BURTON. I'll let Mr. LaTourette—

Mr. LATOURETTE. If I can. I mean, we talked to Mr. Haas. He's here. So where else did this information come to you that you're now describing for us? How do you know this to be so? In other words, what you're telling us and what you've sworn to in an affidavit under oath, how do you know this to be so?

Ms. LAMBUTH. To the best of my recollection, this is what I was told.

Mr. LATOURETTE. By?

Ms. LAMBUTH. By Mr. Haas.

Mr. LATOURETTE. OK. I then want to go to another paragraph in your affidavit, and that is that, "The Clinton White House considered but did not call Daniel A. Barry—" and that's the gentleman almost at the end of the table.

Ms. LAMBUTH. Correct. Yes.

Mr. LATOURETTE [continuing]. "Back from vacation to talk to him about Project X."

This was called "Project X," I guess, at some time?

Ms. LAMBUTH. Yes, It was.

Mr. LATOURETTE. And then the Mail2 server reconstruction project was called "Project X?" Is that a fair statement?

Ms. LAMBUTH. This whole mail issue was Project X.

Mr. LATOURETTE. All right. And, specifically, there was a discussion to maybe call him back from vacation, because he was anticipated to be giving testimony or deposition for somebody—Congress or somebody else—

Ms. LAMBUTH. Right.

Mr. LATOURETTE [continuing]. But they decided against that?

Ms. LAMBUTH. Yes. We were—it did come up in the conversation.

The Government—

Mr. LATOURETTE. With who, if you could, just so we know who—what conversation did it come up with? Who was doing the talking? Were you there?

Ms. LAMBUTH. I was there.

Mr. LATOURETTE. And who was talking?

Ms. LAMBUTH. And Ms. Crabtree.

Mr. LATOURETTE. OK.

Ms. LAMBUTH. I do not remember whether Mr. Lindsay was there or not on this particular one, but there was another Government official there. And there was some discussion about whether they should get Mr. Barry back off of vacation, because he was going forth to do testimony—and what I was told or what I heard was congressional testimony—relating to ARMS. And they didn't know whether to get him back, inform him of what had been discovered or not, and they would come up with a decision on that.

It was later told to me that they, in fact, chose not to tell Mr. Barry.

Mr. LATOURETTE. OK. And you go on to say that, “As a result, Mr. Barry did not have relevant information about the missing e-mails whenever he presented testimony to whomever he was——”

Ms. LAMBUTH. That's correct.

Mr. LATOURETTE. That's your belief?

Ms. LAMBUTH. Yes.

Mr. LATOURETTE. Mr. Barry, let me turn now to you.

I have a declaration that you gave, apparently in a civil action called “Alexander v. the FBI, et al.,” and that declaration is dated and signed by you on July 9, 1999. Do you recall giving such testimony or such a declaration?

Mr. BARRY. Yes, I do.

Mr. LATOURETTE. And, specifically, you were being asked to give information because you are the computer specialist in the EOP that has—are you the supervisor of the automated retrieval system or the ARMS program?

Mr. BARRY. I'm the program manager of the ARMS system.

Mr. LATOURETTE. And, specifically, in paragraph four—and it's marked exhibit 56. I don't know if you have that with you, but would you like a copy of it?

[Exhibit 56 follows:]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CARA LESLIE ALEXANDER, et al.,

Plaintiffs,

v.

FEDERAL BUREAU OF
INVESTIGATION, et al.

Defendants.

Civil Action Nos.
96-2123/97-1288 (RCL)

CONSOLIDATED ACTIONS

DECLARATION OF DANIEL A. BARRY

I, Daniel A. Barry, for my declaration pursuant to 28 U.S.C. § 1746, depose and state as follows:

1. My name is Daniel A. Barry. I am employed as a Computer Specialist by the Executive Office of the President ("EOP"), Office of Administration, Information Systems & Technology Division ("IS&T"). I have held this position since June 1992. My current responsibilities include electronic records management projects and EOP's Automated Records Management System (ARMS). Previously, my responsibilities included maintenance and implementation of EOP's former electronic mail ("e-mail") system, ALL-IN-1.
2. I previously provided declarations in this litigation dated March 4, 1998, and March 30, 1998, and testified at a deposition on June 11, 1998.
3. I have personal knowledge of the matters attested to herein.
4. Since July 14, 1994, e-mail within the EOP system administered by the Office of



Administration has been archived in the EOP Automated Records Management System (ARMS). With this current system, this e-mail is susceptible to being word-searched for a single character string (e.g., "FBI" or "FBI files") or a multiple character string ("and" and "or" searches) found on any one line of text.

5. There is an ongoing restoration and reconstruction process for backed-up, pre-July 14, 1994 e-mail. That process, which I described in my March 4, 1998 declaration, is nearly complete. Backed-up e-mail for all months between November 1992 and July 1994 has now been restored and reconstructed, with the exception of backed-up e-mail for the months of February 1993, and March 1993. Restoration and reconstruction of backed-up e-mail for the months of February 1993 and March 1993 is expected to be complete by mid-August 1999. As a result of the restoration process, pre-July 14, 1994 e-mail can be searched in same manner as described in paragraph 4, above.

6. I have reviewed the request of plaintiffs for a search of e-mail (attached). That request lists 30 individuals whose e-mail should be searched, as well as "all past and present members of Mrs. Clinton's staff, and all those who worked at the OPS during the Clinton Administration." It further requests that all such e-mail be searched for 36 listed words and phrases.

7. As explained below, I have estimated the time and cost involved in accomplishing the search proposed by plaintiffs of e-mail that is now searchable on-line for all the months between January 1993 and June 1999 as \$687,180, 702 hours of personnel time, and 1092 computer processing ("central processing unit" or "CPU") hours.

8. In arriving at this estimate, I have made certain assumptions: (1) that only records of

the White House Office will be searched; (2) that I would be provided a list of "all past and present members of Mrs. Clinton's staff, and all those who worked at the OPS during the Clinton Administration," and that the list of such names would be no more than 10 individuals; and (3) that plaintiffs' list of individuals means a search of all e-mail sent to or from such individuals (including "cc:" and "bcc:").

9. In order to conduct the search requested by plaintiffs, a computer specialist would spend approximately four hours setting up the search request. For the purposes of conducting e-mail searches, our office typically estimates that an hour of a specialist's time costs \$40. Accordingly, the cost of the initial set-up would be approximately \$160.

10. After the initial set-up, the search would involve several steps. The estimated cost and time for searching the e-mail from a single month are described below. The actual costs will vary depending on the volume of e-mail retrieved, as well as the volume of e-mail in a given month.

(a) A computer specialist would search the e-mail for the 36 words and phrases listed by plaintiffs. A search for the 36 words and phrases proposed by plaintiffs would take approximately four (4) CPU hours. For the purpose of conducting e-mail searches, our office typically estimates that one CPU hour costs \$600. Accordingly, the estimated cost of such computer usage for searching the words and phrases requested would be approximately \$2400.

(b) A computer specialist would then set-up the next phase of the search by individual. This set-up for the next phase would take approximately one (1) hour of a specialist's time, and cost \$40. This is in addition to the initial set-up time described in paragraph 9.

(c) A computer specialist would then search the e-mail recovered from the first step (of

the 36 words and phrases) for all e-mail to and from the approximately forty individuals identified. This step would take approximately 10 CPU hours and cost approximately \$6000.

(d) Lastly, the results would be printed. Since the proposed search includes such common terms as "update" and "Clinton," I would anticipate that a significant amount of e-mail would be recovered and printed. Although the actual cost will vary depending on the volume of e-mail retrieved and the volume of e-mail in a given month, I estimate that it would take approximately eight (8) hours and \$320 to print the results, yielding approximately 44,000 pages or 8 boxes.

11. In addition, I estimate the miscellaneous costs of doing such a search -- e.g., the paper, ink, etc. -- as approximately \$50.

12. Aside from the initial fixed set-up costs, the above estimates of \$8810 and nine (9) hours and 14 CPU hours are for searching the e-mail of a single month. That estimate would need to be multiplied by 78 if all e-mail for the months of January 1993 through June 1999 were searched. Accordingly, the estimated total cost if all e-mail for January 1993 through June 1999 were searched for the terms and individuals proposed by plaintiffs would be \$687,180, 702 hours of personnel time, and 1092 CPU hours.

13. The two types of tape drives used to read the IBM 3480 cartridge tapes are (1) Digital Equipment Corp. (Compaq) TA90E, and (2) Digital Equipment Corp. (Compaq) TKZ61.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9 of July, 1999.


Daniel A. Barry

Mr. BARRY. Yes, please.

Mr. LATOURETTE. I don't want to trick you.

Could somebody give him exhibit 56?

Let me read you paragraph four, and then, if you need to see the thing, we'll just take a minute and you can answer the question. But in paragraph four, as I reviewed it, it looks like you were giving testimony in a U.S. district court for the District of Columbia relative to the ARMS system and the retrieval of and reconstruction of e-mails, but nowhere in there, at least on July 9, 1999, do you talk about the fact that there is this whole body on the Mail2 server that is out there.

I suppose, in this lawsuit, you are being asked—I think this is the Filegate lawsuit, if I remember correctly——

Mr. BARRY. I believe that's correct.

Mr. LATOURETTE. OK. But let me—can somebody take him my copy, maybe, so we don't waste so much time? Thank you.

I was referring to paragraph four, which is a specific reference to the ARMS system and the reconstruction of e-mails. Were you aware in July 1999 of this file—or this Project X or the fact that we had a problem with the Mail2 server? I assume you were, since you found that——

Mr. BARRY. Yes, I was.

Mr. LATOURETTE. OK. Why is it, then, that, in response to—were you subpoenaed in this proceeding to give a declaration?

Mr. BARRY. Actually, I'm not sure. I don't know if I was or not.

Mr. LATOURETTE. But, regardless, you gave testimony under oath——

Mr. BARRY. Right.

Mr. LATOURETTE [continuing]. In lieu of showing up, I guess. And I would assume that the inquiry was whether or not—well, it has to do with the Filegate, that whole business about were FBI files from former Bush White House employees were ordered up by a bar bouncer from Pittsburgh, but nobody ever looked at them because they were kept in the refrigerator, or whatever—there was testimony.

But I assume that the question was whether or not there were any missing e-mails in the ARMS system or any records of the EOP that could be retrieved relative to that issue. Isn't that what they were asking you about?

Mr. BARRY. No. I don't think so. My whole involvement with the Alexander case, which is what I had known it as—where I had given—actually, this is the third declaration that I had given in this case, and I gave a deposition in this case, as well.

To me, the questions that I was being asked and the declarations that I was giving have all got to do with searching of e-mail, what was searchable, how it could be searched, how long it would take to search it, that type of thing, and particularly ARMS system. It all focused on the ARMS system, because that's what I do.

Mr. LATOURETTE. OK.

Mr. BARRY. And it also—it focused around the reconstruction project, which had to do with reconstructing e-mail from the system that we had prior to the ARMS system going on line, which was the all-in-one system, and I was the project manager on that reconstruction project, as well.

And so, to me, my involvement, like I said, was, you know, how difficult it is to search, how searches can be conducted, how long it takes, what kind of searches we can do, and a status report on the reconstruction effort. That was all it had to do with, my involvement.

Mr. BURTON. My time is expired. We'll get you some more time later.

Mr. LATOURETTE. Thank you very much.

Mr. BURTON. Mr. Waxman.

Mr. WAXMAN. Thank you very much, Mr. Chairman.

The origin of this hearing seems to have been a February 15, 2000, story in the Washington Times. The headline in the story is, "White House accused of cover-up." The first paragraph reads as follows: "The White House hid thousands of e-mails containing information on Filegate, Chinagate, campaign finance abuses, and Monica Lewinsky, all of which were under subpoena by a Federal Grand Jury and three Congressional committees, a former White House computer manager says."

That's the opening paragraph. It's a powerful accusation. And I want to begin my questioning by asking some questions about this accusation.

The issue we are examining today involves what happened to a subset of White House e-mails. As I understand it, during a 2-year period, from 1996 to 1998, e-mails that were sent to the White House or about 500 White House employees from individuals outside the White House were not captured by the White House data retrieval system, called ARMS. Apparently, this was caused by a technical defect in the ARMS-Lotus interface in the White House computer system.

So my first question is whether anyone on this panel thinks that the White House deliberately designed the ARMS-Lotus interface so that incoming e-mails would not be captured.

Mr. Barry, let's start with you. Let's hear from everybody in answer to this question.

Mr. BARRY. I'm not sure what the question is.

Mr. WAXMAN. My question is, do you think the White House deliberately caused the computer problem? And did the White House deliberately design the ARMS-Lotus interface so that incoming e-mails wouldn't be captured?

Mr. BARRY. No. No to both. My opinion is no.

Mr. WAXMAN. Mr. Hawkins.

Mr. HAWKINS. I have no comment on that.

Mr. WAXMAN. OK. Ms. Golas.

Ms. GOLAS. I don't believe so, sir.

Mr. WAXMAN. OK. Mr. Haas.

Mr. HAAS. No. I don't believe so, either.

Mr. WAXMAN. Ms. Salim.

Ms. SALIM. No, sir. I don't believe so. And I would like to add something to the fact. The root of the problem was on the ARMS scanner scanning process.

Mr. WAXMAN. Let me interrupt you, because I'm going to get to those things, but I just want to get certain points responded to.

Do you think the White House caused this problem, and did they design the system so that they wouldn't be able to retrieve some of these e-mails?

Ms. SALIM. No, sir.

Mr. WAXMAN. OK. Mr. Spriggs.

Mr. SPRIGGS. No, sir.

Mr. WAXMAN. Ms. Lambuth.

Ms. LAMBUTH. I don't think there's any way to really know that.

Mr. WAXMAN. Well, do you know whether the White House designed the ARMS-Lotus interface?

Ms. LAMBUTH. That was before I was there. I don't know.

Mr. WAXMAN. So you don't know one way or the other?

Ms. LAMBUTH. Right.

Mr. WAXMAN. OK. I'd like to know your understanding about this computer problem, whether it was caused by private contractors or the White House.

Mr. Barry.

Mr. BARRY. Well, I don't think it was deliberately caused by anybody. It was——

Mr. WAXMAN. Nobody seems to say that it was deliberately caused by——well, I asked about the White House, and nobody on this panel said they thought the White House deliberately caused it.

Now, there was a computer problem. It was caused by something—an error, or maybe something intentional. If it wasn't caused by the White House, was it caused by private contractors?

Mr. BARRY. Well, the Notes-ARMS interface was developed by a Government contractor. It was not developed by Government staff, to the best of my knowledge.

Mr. WAXMAN. Well, in a cover-up, people usually try to destroy incriminating evidence.

Mr. Barry, were you ever directed to destroy any of the missing e-mails by anyone at the White House?

Mr. BARRY. No.

Mr. WAXMAN. Ms. Salim, were you ever directed to destroy any of the e-mails?

Ms. SALIM. No, sir.

Mr. WAXMAN. What about—did anybody on the panel want to tell us that they were instructed to destroy the e-mails?

[No response.]

Mr. WAXMAN. The panel seems to all be shaking their head in the negative.

In fact, I understand the——

Mr. KLAYMAN. Mr. Waxman, please listen to my client.

Mr. WAXMAN. Ms. Lambuth, do you have some—were you ever directed to destroy any e-mails?

Ms. LAMBUTH. No, I was never directed to destroy e-mails, but I know that there were 6 months of the e-mails—backup on the e-mails that were overwritten.

Mr. WAXMAN. OK. Now, in fact, I understand that not only were none of you directed to destroy e-mails, but in 1998 Northrop Grumman was directed to make backup copies of all the e-mails so that they would be preserved.

Mr. Barry, can you describe how this occurred?

Mr. BARRY. Well, I'm not really sure what incident you're referring to, but there are backup tapes of all of the mail servers for some period of time. Nobody is really sure what the period of time is or what exactly the tape situation is because an inventory has to be done of the tapes.

Mr. WAXMAN. But is it accurate to say that Northrop Grumman was directed to make backup copies of all the e-mails so that they would be preserved?

Mr. BARRY. I don't know that.

Mr. WAXMAN. Does anybody know the answer to that? Mr. Haas?

Mr. HAAS. The only backup that I—that was directed to Northrop Grumman that I'm aware of outside of the normal daily backup that's run in an automatic format was prior to us, as we refer to "stopping the bleeding," when we set the switches back on e-mail so we could start capturing e-mail properly again. We made a specific backup of all the mail servers for the purpose of preserving the way it was before we set the switches so we could get back into the ARMS business, if you will, 5 minutes after that was done. That was the only specifically backups that were ordered to be done, and they're done by a server group, none of which are present today.

Mr. WAXMAN. So once somebody found out there was a problem, you were told to see if you could do a backup system to correct the problem?

Mr. HAAS. It's not a backup of the mails, it's a computer-based backup where you just back up the whole disk drive in case of catastrophic events you can restore. We did not back up mail in the sense of mail messages. We backed up the computer disk drives that the mail is on.

But, again, that was a specific incident that was done as a preservative to the information so that we could go on and reset and start doing ARMS properly after we had—so we're preserving that. That's two specific sets of tapes that were set aside as part of that inventory they refer to. Any other backups are on a normally, daily basis, and whether they passed or failed successfully, I have no idea.

Mr. WAXMAN. Although it appears evident from all your testimony that the White House didn't cause the e-mail problem, and no one has said that the White House sought to destroy any e-mails, there was a problem with the ARMS-Lotus interface that may have resulted in e-mails not being provided to congressional and Federal investigators, so I want to find out about the extent of that problem.

When people read articles like those in the Washington Times, they may get the impression the White House has withheld all e-mails from Congress and Federal investigators. In fact, the members of this committee know this simply isn't true. The White House has, in fact, turned over thousands of e-mails to Congress. Some of them have been seized on by Chairman Burton and others as serious evidence of wrongdoing.

So I'd like to get a sense of what e-mails we're talking about when we say that certain e-mails were not captured by this ARMS-Lotus interface. Are we talking about most White House e-mails, or are we talking about only a small subset of the e-mails?

Mr. Barry, I'd like to draw upon your expertise with computer systems in the Executive Office of the President and to ask you to explain the scope of the problem to me.

To start with, let me ask you about timeframes. The ARMS-Lotus interface problem was in existence from roughly August 1996 to November 1998; isn't that right?

Mr. BARRY. That's my understanding. Yes.

Mr. WAXMAN. And during that roughly 29-month period, how many people were affected by Mail2 problems?

Mr. BARRY. I'm not exactly sure, because I don't work on the Notes side of things, but, from what I've heard, it's somewhere between 400 and 500 users.

Mr. WAXMAN. Now, with respect to those people, the Mail2 problem just prevented incoming e-mail correspondence from being stored in the ARMS; isn't that right?

Mr. BARRY. That's correct, incoming external mail. I think there's a key difference there. Any internal mail going to those people would have been captured in ARMS.

Mr. WAXMAN. So we're talking about incoming e-mails, and those are only e-mails from outside of what, the White House?

Mr. BARRY. Outside of the White House e-mail system, correct.

Mr. WAXMAN. And that means that an e-mail that was written by someone else at the White House or the National Security Council, all that would have been saved by the ARMS system; isn't that right?

Mr. BARRY. Yes. Any mail going to these 400 or 500 users from the Notes system within the EOP—actually, it's not the White House, it's the Executive Office of the President's system—would be captured in ARMS.

Mr. WAXMAN. So all the internal e-mails would have been searched in responses to subpoenas and other document requests and provided to this committee and the other investigators?

Mr. BARRY. That's correct. And also I'd like to point out that external mail going to one of these particular 400 or 500 users that was CC'd or BCC'd to a non-affected 400 or 500 users would also have gone to ARMS.

Mr. WAXMAN. OK. I understand that you regularly track the number of documents that get put into ARMS and that you went back and looked at what happened after the Mail2 problem was fixed prospectively. Now, if the Mail2 problem was preventing lots of e-mails from getting into ARMS, you would expect to see a significant increase in the documents being put into ARMS after the problem was fixed, so let me ask you, Mr. Barry, did you see any increase after the November 1998, fix?

Mr. BARRY. Well, there's a couple of points that need to be made, I think. I had been tracking all of the records that go into ARMS, the numbers of records, by month and by agency since 1993. I have all the information all the way back to 1993. And I keep a spreadsheet by month by agency on all of that information, and I remember—I wasn't involved in any of the meetings that the rest of the panel were talking about until July 6, 1998, and I remember at—I was involved in a series of technical meetings for about a week-and-a-half after July 6th, and I remember—I believe it was Mr. Haas—I had asked the question—

Mr. WAXMAN. Let me ask you to respond to my question.

Mr. BARRY. OK. Sorry.

Mr. WAXMAN. When you looked at all these e-mails and kept track of them, the system was fixed prospectively. If there were a lot of e-mails not going into the system before it was fixed, you would expect to see a big jump in the number of e-mails after it was fixed. Was there a big jump in the number of e-mails after it was fixed?

Mr. BARRY. Well, there was a jump, because we have a normal increase in—there's a growth series in e-mail. But, from what the analysis that I have done, there was an increase from November to December, which is what you would expect, but it wasn't as big as I had expected, given what I had been hearing.

Mr. WAXMAN. Did you reach any conclusion about that?

Mr. BARRY. I reached the conclusion that was in my gut to begin with, that yes, we had a problem, and it obviously affected some number of e-mails, but it wasn't as big as the 10 percent number that I had been given or that I had been led to believe.

Mr. WAXMAN. Let me just again review what we're talking about. If it's an e-mail that was sent from anybody within the White House or Executive Office Building or White House agency, those agencies covered by the system—if it was anything sent by anybody there, that would have been picked up. If it was an e-mail internally from one person to another within the system, that would have been picked up.

What we're talking about were e-mails from outside of the system to somebody in the system, but even if that were the case, and one of those e-mails were sent to somebody inside, and there was a carbon copy or copy directed to somebody else, then that would have been picked up, as well, in the ARMS system, wouldn't it?

Mr. BARRY. That's correct.

Mr. WAXMAN. OK. And if the recipient replied to this e-mail that was received, wouldn't that whole reply and the original e-mail get picked up in the ARMS system?

Mr. BARRY. If the user had done a reply with history, yes, it would.

Mr. WAXMAN. So there are several ways that e-mails that were not put into the ARMS initially ended up in the system eventually. What's more, even if the e-mail wasn't put into ARMS, it may still have been provided to our committee or whoever else was asking for documents.

Now, when White House counsel Beth Nolan testifies this afternoon about how the White House responds to subpoenas, she'll tell us that, in addition to searching ARMS, they asked people in the White House or the EOP, the Executive Office of the President, to search their own computers for responsive material. So any e-mails that were saved by the individual recipients should have been provided, even if they were not in the ARMS. Any e-mails from sources that had been subpoenaed—like if somebody is looking for an e-mail from the Democratic National Committee to somebody in the White House, well, the Democratic National Committee had been subpoenaed for all their e-mails, so that would have gotten into the submissions to the independent counsel, all the investigating committees and agencies.

It appears that we're talking about, in terms of missing e-mails, only a narrow sliver of the total number of White House e-mails.

Mr. Barry, do you agree with that?

Mr. BARRY. I'm not sure anybody can really tell for sure, without going back and actually looking at the stuff. But, from the numbers that I have in front of me, it wasn't as big a problem as I had been led to believe in the early days.

Mr. WAXMAN. Now, the Washington Times article says that the e-mails that were not provided to congressional and Federal investigators involved Monica Lewinsky, campaign finance issues, other alleged White House scandals, so I want to ask this panel what you know about the content of the missing e-mails. And, as I ask you these questions, there is an important distinction to keep in mind. One issue is whether the e-mails were captured by the ARMS system, and I believe this is called being records managed. But a second and distinct issue is whether the e-mails were turned over to investigators.

It is possible that some e-mails may not have been in the ARMS but could have been turned over to investigators as a result of other types of e-mail searches.

Mr. Haas, I understand that you conducted a search to determine what kind of e-mails were not being records managed. By this, I mean you conducted a search to see what kind of e-mails were not being captured by ARMS.

My understanding is that your search involved e-mails related to Monica Lewinsky. Specifically, I understand that you went into the e-mail accounts of Betty Currie and three people to determine what incoming e-mails they had related to Monica Lewinsky; is that right?

Mr. HAAS. Partially. I went in to several accounts—four, I believe, or five accounts, of which one was Betty Currie and Ashley Raines—and found the cache of Monica Lewinsky documents. I did, however, not search the entire affected group of 525 people for Monica Lewinsky. I was doing this in a manual process, just as you would search your mail file. I went, opened it, and said, "Show me everything with 'M.L. Lewinsky' on it," and just happened to stumble over those and the four.

Beyond that, I was not given any direction, nor do I have the ability to do a massive search of all the mail files on a system. It would take a programmer to write a program to search across mail files, although I kind of expected I might be asked, you know, to have that done later on, it never came forward as a request. But I was never instructed to search for anything but that Monica Lewinsky.

It was in the middle of me going through each mail file and counting the number of documents, so it was an interruption to the process, and then I went right back to the process of counting documents.

Mr. WAXMAN. So you were able to find e-mails that weren't in the ARMS system when you looked at the individuals whose—

Mr. HAAS. They were listed in the particular mail file as not being sent through to ARMS because they still existed in this view. Whether they had another means to arrive there through the processes that Mr. Barry has described of a BCC to another agency or

re-transmitted out by the original recipient, I have no way of knowing that.

Mr. KLAYMAN. Mr. Waxman, perhaps we can be helpful here. Our other client, Sheryl Hall, is prepared to testify here today that Mr. Haas browsed through other files.

Mr. WAXMAN. Mr. Chairman, point of order. I know the attorney is actively involved and——

Mr. BURTON. And I do appreciate——

Mr. WAXMAN [continuing]. Has his own point of view, but I thought——

Mr. BURTON. Stop the clock just a minute.

Mr. KLAYMAN. I thought you were here for the truth.

Mr. WAXMAN. We want to hear the truth. Let me pursue my question so I can——

Mr. BURTON. We stopped the clock just for 1 second. Point of order. We do appreciate your help very much in bringing all this to our attention, but the counsel—if Ms. Lambuth wants to make a comment, she should direct her question or comment, or anybody, to Mr. Waxman and not the legal counsel. Legal counsel is to just confer with the client. That's the standard drill.

Mr. KLAYMAN. Mr. Burton, let me address this to you, because we brought Ms. Hall. We offered to make her available, and I don't understand why your committee won't let her testify here today.

Mr. BURTON. We'll confer about that and—but please confer with your client.

Mr. Waxman.

Mr. WAXMAN. Well, maybe we'll want to hear from her, but, meanwhile, we've heard from all of these people and I want to ask some questions, just so we can understand more about what was going on.

So, Mr. Haas, you found a bunch of e-mails about Monica Lewinsky that weren't on the ARMS system; is that right?

Mr. HAAS. I can only tell you that the mail file I found them in said they were not on the ARMS system. Whether they arrived there through a secondary process, I have no way of knowing.

Mr. WAXMAN. So they could have arrived there from a secondary process, meaning what, they responded to or copied to somebody? They might have also been——

Mr. HAAS. Anything is possible.

Mr. WAXMAN. OK. Now, the fact that these e-mails were not in the ARMS system doesn't necessarily mean they weren't turned over to the independent counsel, Ken Starr. When the White House responds to a document request, they do more than simply search the ARMS. They also ask the relevant individuals to search their own e-mail accounts. These individual searches could have turned up the same e-mails that Mr. Haas found.

Mr. Haas, do you know whether the Monica Lewinsky e-mails that you found were new e-mails that had not been previously turned over to the independent counsel?

Mr. HAAS. I do not know that, but I can state that, with having worked at the agency for 9 years and having received those requests for documents over many years, we were instructed we did not have to search our own mail files. Be advised, the mail files are not on your local hard drive. You are reaching across the network

and looking into the server. That's why the ARMS process had to be created to take care of the things that you really couldn't do.

The search criteria ability within Lotus Notes at our current site is minimal for finding a group of documents. If you were to search your own mail file and look for Monica Lewinsky using the standard search methodology, you would not find what I found. But, because of my expertise in the area, I was able to find a way to locate them in the three files that I—I mean, the five files that I opened and find those messages and then collect them together and present them to my management, as they requested.

Mr. WAXMAN. So you found that there were e-mails that were not on the Lotus system or may not have been on the Lotus system, but do you know, yourself, whether these e-mails might have been turned over to the independent counsel independently of what was turned over from the Lotus system?

Mr. HAAS. The only thing I know is I was asked to print them all out and put them onto paper, put them in an expandable folder. I presented them to Betty Lambuth and she informed me that she delivered them to what I think is White House counsel in the old building, handed them off to an unknown person. That's second-hand hearsay.

Ms. LAMBUTH. The person I handed it off to was Mark Lindsay. The request was that they were printed off. "Bob, print these e-mails off," and I hand-delivered them over to the old Executive Office Building to Mark Lindsay, who was over there in a meeting.

Mr. WAXMAN. Thank you.

Well, I think I know the answer to the question, because my staff asked Beth Nolan, who we are going to hear from later, about this issue, and she told us—and I understand she'll testify to this point later—that all of the Monica Lewinsky e-mails you found were duplicative. They were copies of e-mails that the counsel's office had already turned over to the independent counsel. The e-mails were not in the ARMS—I'm going to stop for a minute while those bells are ringing. These e-mails were not in the ARMS system, but they were in Betty Currie's and some of these other people's accounts I'm not technical enough to explain exactly, but it was in their computer. And you made copies of them, they were turned over to the White House, and those e-mails were turned over—and we'll hear later from the White House counsel—to the independent counsel.

So the e-mails were not in ARMS, but they had been captured by the independent searches of e-mail accounts of Betty Currie and other individuals.

I think this is an important point, because the Washington Times reported that these e-mails had been withheld, but, in fact, that's not true. They had already been turned over.

Now, Mr. Haas, do you have any knowledge about the content of any of the individual e-mails that were not turned over to investigators?

Mr. HAAS. I, again, don't know of documents that weren't turned over. That is not my knowledge. I did read the two Monica Lewinsky e-mails to validate the incoming and outgoing event that I was asked to check into, so yes, I read two of those referenced documents. Whether they were turned over, I don't know.

Mr. WAXMAN. I wouldn't expect you to.

Well, the individual who has been making the most vociferous allegations against the White House is Sheryl Hall, who was a former White House employee. She's the source for the Washington Times article, and I was quoting that article. She gave a deposition about the content of the e-mails on February 19, 2000. In the deposition she says that she was told by a Northrop Grumman contractor that the missing e-mails contained information relating to Filegate, Monica Lewinsky, and Vice President Gore's fundraising. She then said under oath, "I was told by this contractor that if the contents of the e-mails became known, then there would be different outcomes to these scandals, as the e-mails were incriminating and could cause people to go jail."

You are the Northrop Grumman employees who knew the most about these e-mails.

Ms. Salim, let me ask you first. Are you aware of any information that would substantiate Ms. Hall's accusations?

Ms. SALIM. No, sir.

Mr. WAXMAN. Mr. Spriggs.

Mr. SPRIGGS. The only thing that I can think of that may even come close to doing that is that early on we speculated about possible information but had no direct knowledge of what was in it and, you know, so we had no information to give her or Ms. Lambuth or anyone else.

Mr. WAXMAN. Mr. Barry, do you know?

Mr. BARRY. No, I don't.

Mr. WAXMAN. Mr. Hawkins.

Mr. HAWKINS. No, sir.

Mr. WAXMAN. Ms. Golas.

[No audible response.]

Mr. WAXMAN. Mr. Haas.

Mr. HAAS. No, sir.

Mr. WAXMAN. Ms. Lambuth.

Ms. LAMBUTH. I still stand behind what I said before, that I was told that there was other important information, Filegate, etc.

Mr. WAXMAN. You were told by Mr. Haas.

Ms. LAMBUTH. Right.

Mr. WAXMAN. And Mr. Haas testified that he didn't tell you that.

Ms. LAMBUTH. I understand, sir. I am saying I still stand behind what I was—what I stated, that I was told.

Mr. KLAYMAN. I object. That's not what he testified to, Mr. Waxman. That's false.

Mr. BURTON. Only the witnesses can testify, and she—

Mr. KLAYMAN. I'm not testifying. I'm objecting.

Mr. BURTON. Well, you're not allowed to object.

Mr. KLAYMAN. Mr. Chairman, then you should admonish your colleague there, because that was not the testimony.

Mr. BURTON. Mr. Klayman, your witness is perfectly capable of refuting any remarks that are made.

Mr. Waxman.

Mr. WAXMAN. Mr. Haas, she said you told her. Did you tell her that you knew the contents?

Mr. HAAS. I never, evidence intimated in any way, shape, or form that I knew any content of any e-mails other than the two Monica Lewinsky documents. To that point, there was lots of conversation

within our group as to if there was ever found to be a large content of anything involving these five or six different events it would be a different story, but if—she may have misunderstood that to say I saw something in there. But I have never, ever seen anything in those documents except for the two Monica Lewinsky documents.

Mr. WAXMAN. Before my time is completely up, I want to go into this whole question of the so-called “threats,” the jail threat, particularly. The Washington Times reported you were told that there was a jail cell with your name on it if you discussed the missing e-mails with anybody. This threat is supposed to have occurred at the meeting with Laura Crabtree on June 15, 1998. Mark Lindsay also reportedly participated in at least a part of this meeting by telephone.

Ms. Salim, you were the first person to discover the e-mail problem, and you were at that June 1998, meeting. Do you recall being threatened with jail if you discussed the problems with others?

Ms. SALIM. No, sir. I do not remember hearing the word “jail” from anyone in that meeting.

Mr. WAXMAN. Well, Mr. Haas, my understanding is you have a different recollection.

Mr. HAAS. Yes, sir, but I posed the question to her and she was answering me directly, so I would remember.

Mr. WAXMAN. In your statement, you said the question was sort of flippantly asked. Do you think that the response might have been a flippant response?

Mr. HAAS. I did not take it that way, sir. I didn’t want to read any more or less into it. I had sealed my mind that I had been instructed to treat it in the manner that she instructed, “Don’t talk to anyone, or else.” I took it at face value and I lived up to that face value until I couldn’t do it any more.

Mr. WAXMAN. At the time you were all finding out about this computer problem, the President was being investigated by Ken Starr for impeachable offenses. There was a media frenzy going on outside the White House. It seems clear that Mr. Lindsay and Ms. Crabtree did not want any of you to talk to the press or to people who might talk to the press about the problem until the nature and scope of the problem was understood.

I’d like to ask whether you think this was an unreasonable request. Anybody think it was an unreasonable request?

Ms. LAMBUTH. I think in the beginning that’s the way we all felt, but it also became very obvious that they weren’t going to do—make any moves to release this information—to release the information that there were e-mails found.

Mr. WAXMAN. OK. But did any of the rest of you think that maybe there was—it was reasonable not to want to have this information that the system wasn’t working available to the press when they’re on a media frenzy and people were out to impeach the President?

Ms. Salim, what do you think?

Ms. SALIM. I believe that that was a reasonable request for them to ask us to keep a lid on this until they could manage the situation.

Mr. WAXMAN. Mr. Spriggs, what is your opinion?

Mr. SPRIGGS. From my point of view, the fact that we didn't know how many messages actually were involved, we didn't know the content of it—while we may have speculated about its implications and what was going on, the reality was we needed to figure out what the problem was and how were we going to deal with getting these in the records management system.

When Betty, through whomever directed her to do so, told Bob to get information, he proceeded to do that in a deliberate manner, and it took him several weeks to accomplish it.

There was no, from my point of view, any kind of question that we were not going to proceed forward with this and resolve this question. We were trying to get all of the information so that whomever—OA counsel or White House counsel—would have sufficient information to be able to judge the import of the information that they had.

As far as I knew personally—and my colleagues can speak to what they knew—I had no knowledge of anyone trying to stop us from doing any of that or trying to keep any information away from the Starr or anyone else at that point.

Mr. WAXMAN. I know if my office were being investigated, if I was being investigated, and we thought we gave all the materials to the White House counsel and all the people that were investigating me, and then I found out the system wasn't working the way it was intended, I'd tell everybody, "Let's hold off and see what's going on here and let's correct the system."

I just have one last question. Mr. Hawkins, people didn't want them to talk to you. Was that because they might have had a fear that you might have come back and said, "This is outside the scope of the Northrop Grumman contract," and you might not go out and fix it?

Mr. HAWKINS. I believe their intent, because they had a computer failure, they should have at least acknowledged within their own Civil Service and follow contractual guidelines. I believe, in my own opinion, that they did try to cover up the fact that they had a computer glitch and there were e-mails involved and it did include the President and Monica Lewinsky.

I had—at no time did I ever feel that they were trying to be upfront and open and honest because of my discussions with Mr. Lindsay.

Mr. WAXMAN. So you got that opinion from—your impression was from Mr. Lindsay?

Mr. HAWKINS. From Mr. Lindsay.

Mr. WAXMAN. Well, I guess we're going to hear from him and we'll find out more about it.

Ms. LAMBUTH. Mr. Waxman, I'd like to say that I agree with what John says. As I said a few minutes ago, I think in the beginning we all felt that they just wanted to get their act together, basically, how they were going to let the public know about this. But as time went on and we couldn't get any decisions of how they wanted us to handle it, what the next step was going to be, etc., it became very obvious to us, and we had some discussions on this that they did not want this to come forth.

I think one of the critical things that we—

Mr. WAXMAN. You had some discussions among—

Ms. LAMBUTH. Amongst our—within the team.

Mr. WAXMAN. And so you're talking to the team and trying to figure out what was going on. You first thought that they were trying to make sure you correct the problem, but then you reached the conclusion that they were really trying to cover it up. But that doesn't sound to me like the testimony of the others on this panel who were part of the team.

Am I wrong? May I hear from others on the team?

Mr. BARR. Mr. Chairman, if we could have regular order, I think the time has expired and we have some votes.

Mr. BURTON. We do have votes.

Mr. WAXMAN. Well, let's just get an answer to this and then we can—

Mr. BARR. I think the time has expired, and I would call for regular order.

Mr. BURTON. It has expired. I will let these people answer this question and then we'll come back as soon as we vote. And those who want to go ahead and hit the floor, come right back.

Proceed, because we have to take off here real quick.

Mr. SPRIGGS. To the extent that there was—from my conversations with her and with the team, the question arose as to whether—

Mr. BARR. Mr. Chairman, can we have regular order? We have a vote on the floor and there are Members that don't want to miss the questioning and the answers.

Mr. BURTON. All right. We'll withhold answers to the question until we return. We stand in recess.

[Recess.]

Mr. BURTON. OK. We will recall the last question. We're going to allow Mr. Waxman to end that questioning with that question, because we were interrupted by the vote, and then we'll go to Mr. Barr.

Mr. WAXMAN. Ms. Lambuth testified, as I understood it, a minute ago that at first she thought that the White House was trying to correct the computer problem, but then she came to a different conclusion, and I asked her why, and she said, "Well, in talking to the rest of the team."

Now, some of you were part of the team. Was this conclusion one you had reached? And was it just one that you all speculated about, or do you agree with her conclusion? And do you have reasons to agree with that conclusion or not agree?

Mr. SPRIGGS. When Betty left the—when Ms. Lambuth left the contract, right before she had left there was a lot of discussion about what had happened and, you know, about what was going on around us. And, again, we didn't have her access to Laura and higher-ups, so a lot of the stuff we would hear would come through her, and we were, as far as I was concerned, you know, trying to be responsive and supportive of her. We also, I think, because of the things that had happened between Mr. Hawkins and Ms. Lambuth, we were all very, you know, aware of that situation.

The question of whether or not we had arrived at a conclusion that the White House was obstructing anything.

There were so many technical issues and problems associated with this, and her having left in July, it turned out many other technical issues were of importance to us.

At that point, whether or not Betty leaving felt like that, you know, a consensus was that we were supporting her and that we believed that, I don't—I did not have that position, although I do feel that at times that Betty, you know, again, had superior—other information that I didn't have, so I couldn't really say whether or not anyone was doing anything to stop it.

Again, from my point of view, we didn't know enough about what was going on to say that the White House had stopped anything. It was more of a technical problem that we were worried about, and that that's what we were really after was the technical solution.

Mr. BURTON. Before we proceed with Mr. Barr, let me just say that it has been well established early on that all of the people that were in the meeting felt either threatened or felt concerned if they gave any information out about that.

Now, let me just say one other thing—

Mr. WAXMAN. I don't think that was established.

Mr. BURTON. Yes, it was established.

Mr. WAXMAN. You may have reached that conclusion, but I don't think that's the testimony.

Mr. BURTON. OK. Well, I'll ask Mr. Barr, when he questions, to reestablish that they all felt concerned or threatened by the comments made by Ms. Crabtree or Mr. Lindsay. We'll let him do that.

But I just want to admonish all the witnesses of this one fact. We're going to find some additional information, I believe, before the day is out, or, if not today, later, about these e-mails, because we're not going to let this thing drop. And if anybody perjures themselves before this committee, I will send a criminal referral to the Justice Department and they will be prosecuted or we will pursue that, so I don't want anybody that's—I mean, there are some differences of opinion here, and if somebody is not telling the truth I want you to know that's very, very disconcerting and you need to think about that and get this—and be as square and honest with this committee as possible, because if we find out you are lying there will be a problem.

Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

I believe that when Mr. Waxman was asking that last round of questions, before we broke for the vote, he was indicating that, in his view—and I presume he was talking as a manager, a Congressman with regard to his staff—he finds nothing wrong with calling people into his office and telling them that they're going to go to jail if they even tell their spouse or their supervisor—

Mr. WAXMAN. Point of order, Mr. Chairman. I just think he ought to ask his questions, instead of trying to attribute to me anything—

Mr. BARR. Now, whether or not—

Mr. WAXMAN [continuing]. One way or the other. Let him ask his own questions. I'll speak for myself. Let him speak for himself.

Mr. BURTON. That is not a legitimate point of order. The gentleman has the time.

Mr. BARR. Thank you.

Before we broke for the last vote, Mr. Waxman was going on, in an effort to try and trivialize the intimidation that a number of you felt when you were admonished by Ms. Crabtree, for instance, not to speak to anybody under threat of going to jail if you exercised your rights to inform your supervisor of a problem, if you told anybody about it.

Now, while that may be standard operating procedure for certain members of this committee, it is not for this Member, and I think I can speak for the chairman that it is not for him, either.

When somebody calls you, for example, Ms. Lambuth, into their office and threatens you with going to jail if you tell your supervisor about a problem that you believe needs to be corrected, do you find that intimidating?

Ms. LAMBUTH. Most definitely.

Mr. BARR. Is there anybody else on the panel that would not find that intimidating?

Mr. SPRIGGS. Maybe I don't understand the word "intimidating," but I am somewhat intimidated by Mr. Burton's comments here. I think that Mr. Burton, I think, did the rightful job to express—

Mr. BARR. That's fine, Mr. Spriggs. I'm not—

Mr. SPRIGGS. Am I intimidated—

Mr. BARR. I'm not asking you how you feel about Mr. Burton's testimony. I appreciate the fact that you want to say that and you've said it. Now let's move on.

My question had nothing to do with Mr. Burton. OK?

Mr. SPRIGGS. Yes, sir.

Mr. BARR. OK. So don't interject something that is not asked for. If Mr. Waxman would like you to go on in support of what he's saying, I'm sure he will—he is very adept at doing that.

My question was simply: are there any other members of the panel that are here today that, if they are called into somebody's office and threatened with going to jail if they tell anybody about a problem that they have identified, and that includes even going to their supervisor to try to get it rectified, is that not intimidating.

Mr. SPRIGGS. When I was called into that office and Ms. Crabtree and Mr. Lindsay were giving me instructions, I perceived that those instructions were reasonable instructions.

Mr. BARR. OK. That's not what I'm asking you, Mr. Spriggs.

Mr. SPRIGGS. Were they threatening—I know, sir. I'm trying to get at your question. Were they threatening to me?

Mr. BARR. Get at it quickly.

Mr. SPRIGGS. Were they threatening to me? Yes, they were threatening to me, in—

Mr. BARR. That's my only question.

Mr. SPRIGGS [continuing]. In narrow context.

Mr. BARR. I have other questions here, and I appreciate your candor, and if you have other things to say, I'm sure you can work it out with Mr. Waxman to say them. I'm not interested in that and I'm not interested in how you feel about Mr. Burton.

Is there anybody else who would not feel somewhat intimidated if they were threatened with going to jail if they told their supervisor about a problem that they had discovered?

[No response.]

Mr. BARR. Now, Mr. Barry, I understand that you were asked in January or February 1998 to locate an e-mail from Monica Lewinsky to Ashley Raines. That is correct, isn't it?

Mr. BARRY. Not exactly.

Mr. BARR. OK. Were you asked at some other time to find an e-mail from Monica Lewinsky to Ashley Raines other than January or February 1998?

Mr. BARRY. No. I was asked by White House counsel to perform an ARMS search, a search of the ARMS system.

Mr. BARR. When you say White House counsel, specifically who?

Mr. BARRY. I can't remember.

Mr. BARR. OK. By the Office of White House Counsel?

Mr. BARRY. Correct.

Mr. BARR. OK. Who was it that called you up? There's no such person as White House counsel there, particular people. Who was it that called you from the White House counsel's office?

Mr. BARRY. I can't remember, sir. I get three, four search requests every month, so I can't remember back in 1998 exactly who it was, but it would be in the record, though. I have e-mails of all that stuff.

Mr. BARR. OK. So if, in fact, we subpoena those documents from the White House or you are served with a subpoena for the production of them, that would be reflected in those documents?

Mr. BARRY. That's correct.

Mr. BARR. And you could refresh your recollection?

Mr. BARRY. That's correct.

Mr. BARR. OK. So that's what prompted you to look for that particular e-mail?

Mr. BARRY. No. I was never asked to look for a particular e-mail. I was asked to perform an e-mail search—not an e-mail search, an ARMS search, a search of the ARMS system.

Mr. BARR. Right.

Mr. BARRY. In January 1998.

Mr. BARR. For what?

Mr. BARRY. For—I can't remember the specifics of it, but it had to do with the Lewinsky matter.

Mr. BARR. OK. And that's when you went to Mr. Spriggs to help locate that material?

Mr. BARRY. No.

Mr. BARR. At what time did you go to Mr. Spriggs?

Mr. BARRY. If I could, let me just give you a little bit of the history, if I can. I was asked to perform the search, as normally happens. I do the ARMS searches. And during the production of those documents—

Mr. BARR. You discovered a problem?

Mr. BARRY [continuing]. I discovered what—I didn't know it was a problem. I discovered what looked like conversational e-mail between two people and I only saw one side of the conversation.

Mr. BARR. Right. So there appeared to be a gap?

Mr. BARRY. Yes.

Mr. BARR. OK. Now, you wrote an incident report on that, did you not?

Mr. BARRY. That's correct.

Mr. BARR. OK. Where is that incident report?

Mr. BARRY. I believe it was produced.

Mr. BARR. Do you have that with you?

Mr. BARRY. Yes, I do.

Mr. BARR. OK. Could I see a copy of that, please?

Mrs. CHENOWETH-HAGE [presiding]. Mr. Barr, you'll need to wrap your questions up.

Mr. BARR. OK. Forget it, then. We don't have time.

Mrs. CHENOWETH-HAGE. Thank you.

The Chair recognizes Mr. Souder for questions.

Mr. SOUDER. I thank the Chair.

I had a few questions. First, I wanted to establish, because I thought it was kind of confusing, but, as I understood—and correct me if any of these are incorrect—that the number of e-mails, whether they were a small subset or a large subset, there were 525 people. I think that's what Mr. Haas said.

Mr. HAAS. Yes, that's correct.

Mr. SOUDER. Those 525 people that are in doubt here are the 525 people that are at the higher echelons of the White House, not Civil Service but political appointees?

Mr. HAAS. It is the whole White House organization and some of their lesser organizations, but to my knowledge it is the White House.

Mr. SOUDER. In other words, to say it is a small subset is a little misleading, since this subset happens to be who we were investigating during the period of 1996 to 1998 and whose testimony we were seeking. So if there were 525 people in the Government who we most needed, it was these 525, most likely.

Second, my technical understanding of this is that the part that we're—the only thing in dispute here, from Mr. Barry, I think, was whether he expected to see 10 percent and he saw 5 percent. Based on the number of e-mails just for 1997, if, indeed, it was 5 percent, it would have been roughly 205,000 for 1997 and would have been 400,000 if it was 10 percent, so it's not a small number that we're talking about. The only question you were really disputing is whether it is 5 percent or 10 percent; is that right?

Mr. BARRY. No. I don't think that's what I said. All I said was that—

Mr. SOUDER. You said that you expected to see 10 percent.

Mr. BARRY. The numbers that had been thrown out when I first asked about it when I was involved in the technical meetings in July 1998, my concern was, if there were these missing e-mails, what impact was it going to have on the ARMS system when they became unmissing.

Mr. SOUDER. And you said that there—

Mr. BARRY. And—

Mr. SOUDER [continuing]. Was 5 percent, roughly. You said there was an increase, but it wasn't 10 percent.

Mr. BARRY. No, no. I said—

Mr. SOUDER. You said when you went back in to check—

Mr. BARRY. I think I need to clarify this, because when I went back and looked at the growth numbers between November 1998 and December 1998, which would be the significant ones in this case, I saw nothing other than what I would normally expect in the

growth between 1 month and the other, given the trend line that we have in place.

Mr. SOUDER. OK. So that's a different number than what I was looking for, so my understanding is there has been a dispute between whether it is—what the number is. But we're talking about hundreds of thousands of e-mails.

Mr. BARRY. I don't know that anyone—I certainly don't know what the actual numbers are of these e-mails. I have no idea.

Mr. SOUDER. And it was also my understanding, from the earlier testimony of Mr. Hawkins, that, if I understood you correctly, you said that you believed that there was a—that they were trying to cover up, and that there was concern about the Civil Service contract. Could you elaborate on what you meant by that?

Mr. HAWKINS. When I first was contacted, of course, about the e-mail—and we didn't know it was e-mail—it was through Jim Wright, the contracting officer's technical representative, COTR.

Subsequent to that, I was called to Mr. Lindsay's office, and at that time I was confronted by Mr. Lindsay, Mark Lindsay, why I got involved, and I basically told him because of the contract. It was very specific in the contract that the COTR gave directions to the program manager and no one else. And, therefore, I took the position that I could not support this project and would not do it without an internal work order, which was compliant with our contract.

At two or three points in the conversation, it got very tense. Matter of fact, Mr. Lindsay said over and over, "I hope you appreciate my position here." And I repeated back to him, "I hope you appreciate my position here."

Mr. SOUDER. What do you think he meant by, "I hope you appreciate my position?"

Mr. HAWKINS. I took it straight as a strong arm. I took it as a direct assertion that my employees should go do this work and I should not be involved.

To the contrary, the contracting officer, which was Dale Helms, Mr. Jim Wright, gave me explicit instructions when we talked, "Don't 'crater in,'" and I never did at any time. And I did feel threatened the whole meeting with Mr. Lindsay.

Mr. SOUDER. When you—do contract employees have any of the protections that Civil Service employees have? In other words, if patronage employees come wandering in and intimidate on a contract, you don't have any protection?

Mr. HAWKINS. No, sir. As a matter of fact, in my conversation with Mr. Lindsay, I told him that the Northrop Grumman employees would be the ones directly in the line of fire. I also told him that I was not going to put Northrop Grumman as a company or Steve Hawkins in direct harm's way. I also made a statement that I did not want my company's name in the newspaper nor mine or any of my employees.

I was very, very direct with Mr. Lindsay, and he did ask me or he did make a statement that he was extremely upset—and he used the word, and I can give you the exact phrase if you want it—

Mr. SOUDER. Probably not. Can you summarize it?

Mr. HAWKINS. OK. And I said that was my position, and we ended the conversation, at which time I left his office, and immediately, when I went back to my office, Jim Wright was in the office, Dale Helms came in shortly thereafter. Jim Wright asked me if I cratered in, and I said, "No, sir, I did not," and he said, "That's why we hired you to work here at EOP, because we knew you would stand up."

Mr. BURTON [presiding]. The gentleman's time has expired.

We'll go to a second round, so we'll get back to you in just a minute.

Let me clarify one thing before we go to Ms. Chenoweth.

Mr. Spriggs, you said you felt intimidated. I have made this comment to almost—to a number. If somebody perjures themselves before my committee, we will send a criminal referral to the Justice Department. Now, if that's intimidation that you feel, so be it. But I want people to be truthful, and that's why we always make that statement.

Ms. Chenoweth.

Mrs. CHENOWETH-HAGE. Thank you, Mr. Chairman.

I wanted to direct my questions to Mr. Barry.

Just to clarify some of the facts that have been established in the record, isn't it true that you noticed two ongoing—outgoing e-mails from Ashley Raines to Monica Lewinsky and that is what first triggered your concern that there may be an anomaly in this system? Is that not correct?

Mr. BARRY. That's correct. And actually that's what I was—what I referred to in the document that I had written up in January 1998.

Mrs. CHENOWETH-HAGE. And so then you went ahead and went on vacation right after that.

Mr. BARRY. No, that's not correct. January 1998 was when I first—I was asked to do the search, and I saw this conversational e-mail during the production of the search documents, of which there was just one side of the conversation.

I then, as it says in my document, I went and I—the document I wrote in January 1998—I talked to John Spriggs, first of all, to have him look at the logs for incoming and outgoing e-mail, and to—because I didn't know what was—I don't know what the problem was, if there even was a problem. I mean, it is a possibility that the mail never got to the EOP. That was the first thing that came into my mind.

All I knew was that these pieces of e-mail that I thought should be there were not in ARMS.

Mrs. CHENOWETH-HAGE. So what you saw that was out of order was you noticed e-mails from Ashley Raines to Monica Lewinsky, but that Monica Lewinsky's e-mails were not present?

Mr. BARRY. Some of—at least one of them or two of them. I can't remember exactly. I think it might have been at least two of them, because it is like a telephone conversation. You could see, you know, an outbound e-mail saying, "Can you pick me up after work," an incoming one saying, you know, that should have said, "Yes, I will," and then an outbound one saying, "Oh, great. I'll meet you at five." That type of thing. And I didn't see the incoming, but it was clear that there should have been something.

Mrs. CHENOWETH-HAGE. Now, who did you give this incident report to? You made up an incident report about this?

Mr. BARRY. I documented the problem. Yes.

Mrs. CHENOWETH-HAGE. And who did you give the report to?

Mr. BARRY. I gave it to my supervisor.

Mrs. CHENOWETH-HAGE. And your supervisor was Jim Wright?

Mr. BARRY. Jim Wright. That's correct.

Mrs. CHENOWETH-HAGE. That has been established. Now, is that who you would ordinarily refer these problems to?

Mr. BARRY. I'm not sure that—this is a kind of one-of-a-kind problem, as far as I am concerned. I mean, there have been problems in the past with the Notes-ARMS interface, and I documented them and passed them on to the appropriate person, who would have been the branch chief.

Mrs. CHENOWETH-HAGE. The branch chief of—

Mr. BARRY. Of the—either the systems integration and development or the desktop branch chief.

Mrs. CHENOWETH-HAGE. OK. And once you gave this report to Mr. Wright, what happened to the report?

Mr. BARRY. We—I can't speak for exactly what happened to it. All I know is that I kept it and—

Mrs. CHENOWETH-HAGE. Well, let me ask this: did you followup and ask any questions about the report, and did the White House office seem interested in the problem?

Mr. BARRY. Well, like I said, I reported the problem to my supervisor, and I remember, although not vividly, that my supervisor and myself went and briefed the IS&T associate director at the time, Kathy Gallant, of the problem, but I can't remember exactly when that was in the sequence of things, but it was some time in the January-February timeframe.

Mrs. CHENOWETH-HAGE. Did anyone instruct you to keep the problem silent?

Mr. BARRY. No.

Mrs. CHENOWETH-HAGE. No?

Mr. BARRY. Well—

Mrs. CHENOWETH-HAGE. When you first went to Ms. Lambuth's office, was there a discussion there?

Mr. BARRY. That was subsequent to that. This document was written in January 1998, and I didn't hear anything more about this whole situation until the actual problem that caused what I had seen back in January to occur was discovered some time in June. I was brought into the loop of July 1998.

So it wasn't clear to me—my point is it wasn't clear to me at all. In fact, it said—if you read the document, it says in there you can't tell if this is a systemic problem, if it's a one-of-a-kind problem, etc., I mean, it says it all right in there, because I didn't know at that time.

Mrs. CHENOWETH-HAGE. May I ask, for the record, did you give your weekly reports during this time to Mr. Wright?

Mr. BARRY. I believe so. Yes.

Mrs. CHENOWETH-HAGE. Do you know what he did with those reports?

Mr. BARRY. I have no way of telling what he did with them.

Mrs. CHENOWETH-HAGE. Do you know who else saw those reports?

Mr. BARRY. I have no way of knowing.

Mrs. CHENOWETH-HAGE. Mr. Barry, the documents that I reviewed show that you were very, very frustrated about the lack of instruction or direction that you were getting in this manner. And I'm going to briefly point out a few of those documents and ask for your brief comment on them.

I would like for you to turn to the White House exhibit No. 19, dated January 24, more than 2 months after the problem became known.

[Exhibit 19 follows:]

DANIEL A.
BARRY

07/24/98 12:18:31 PM



Record Type: Record

To: James B. Wright [REDACTED]

cc:

Subject: Weekly for 7/24/98

E-mail reconstruction activity

- I attended the regular reconstruction status meeting this week.
- I was informed this week that a problem had been uncovered in the process the reconstructs the pager data. The problem caused valid pager messages to appear as duplicates and therefore not get processed. The problem has now been fixed for the current and future processes cycles but will have to be fixed for process cycles 1-9 (The previously delivered cycles). This problem will be corrected when the delivered tapes are cut to resolve the other two problems uncovered after production began (Truncation and incorrect file structure on anomaly records)
- I have received a goods and services request covering the purchase of new disks. I will review this next week and decide how to proceed. These disks will be needed prior to commencing the Daily tapes and they will allow more efficient processing if we purchase them sooner.

ARMS activity

- I coordinated the completion of 2 searches this week. One was a FOIA for CEQ records and the other was for WHO records.
- I spent a lot of time this week (10 hours) nursing both the tape processing for ARMS as well as the regular records processing through their respective stages. The communications between the NOTES data and the ARMS system failed last week and the backup caused severe delays in processing that spilled over into this week. There also seems to have been an increase in traffic which further exacerbated the situation. I will continue to monitor the process so that it does not fall behind again.
- I have been contacted by WHO counsel (Karl Racine and Dimitri Nionakis) regarding two separate Search requests. I have only received 1 of them thus far and I will try to get it running over the weekend.

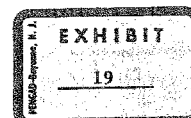
FAMCO Contract

- I attended a meeting with the NG project manager and the COTR in preparation for my role next week as acting COTR.

Additional activities

- I continue to be involved in discussions regarding the MAIL2 problem but there has been no movement thus far on correcting the problem or getting the data over to ARMS. The plan for fixing the problem has been submitted.

Planned Activities for next week:



0929

- I will be acting COTR for the NG contract next week.
- I plan on getting the 2 search requests under way.

Mr. BARRY. Excuse me, ma'am? Exhibit——

Mrs. CHENOWETH-HAGE. White House exhibit No. 19. Do you have the exhibit?

Mr. BARRY. Yes, I do.

Mrs. CHENOWETH-HAGE. Now, look at the entry under the section entitled, "Additional activities." And it reads, "I continue to be involved in discussions regarding the Mail2 problem, but there has been no movement thus far on correcting the problems or getting the data over to ARMS." Correct?

Mr. BARRY. That's—well, yes, that's what I said.

Mrs. CHENOWETH-HAGE. OK. Now, look at exhibit——

Mr. BURTON. The gentlelady's time has expired, but we will yield to Mr. LaTourette.

Mr. LATOURETTE. I thank the Chair. I would like to yield such time as she might take for Mrs. Chenoweth to complete this line of questions, if that's all right.

Mrs. CHENOWETH-HAGE. I thank the gentleman.

Mr. BURTON. We'll get the gentleman more time later.

Mrs. CHENOWETH-HAGE. Thank you, Mr. Chairman.

I would direct your attention to White House exhibit No. 23, an e-mail from you to your boss dated 8/13/98.

[Exhibit 23 follows:]

DANIEL A.
BARRY

08/13/98 07:21:01 AM



Record Type: Record

To: James B. Wright [REDACTED]

cc:

Subject: Concerns

Jim;

This is a followup to our discussions on Tuesday regarding "the mail2 problem" or project X.

I am concerned about several aspects of this problem. As far as I can tell, there is no movement under way to fix the problem and recover the lost records from the backup tapes. When I talk to Sandy, John or Bob they tell me that there is no movement on this project from their side and the last activity was the meeting we had with Betty before she left (7/28).

Sandy has submitted a Goods and Services to Paulette to purchase 6 disks to hold the data on the VAX side.

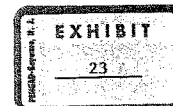
The only people I have had contact with on this project are You, Cathy, Betty, Sandy, Bob and John. I have not spoken with any other Govt person on this and I am not at all clear what my role should be. I feel that the records must be recreated and any searches need to be reperformed if the requestors feel it is necessary... This seems like a daunting proposition but I do not see any other alternative.

Additionally, I feel that I can not walk away from this problem because any work that will be done to recover the records will directly impact ARMS and searching... also, as each day goes by, there is a risk that one of the affected accounts could be moved to another server (Dan Gunia continues to do his job while not knowing the impact) This would cause records to flood into ARMS but have corrupt data in them.

I appologize for the rambling nature of this memo but I hope it captures my concerns and frustration level.

Any help is appreciated.

Later... Tony



E 0934

Mr. BARRY. Yes.

Mrs. CHENOWETH-HAGE. OK. In pertinent part, the second paragraph reads as follows: "I am very concerned about several aspects of this problem. As far as I can tell, there is no movement underway to fix the problem and recover the lost records from the backup tapes. When I talk to Sandy Golas and John Spriggs or Bob Haas, they tell me that there is no movement on this project from their side and the last activity was the meeting that we had with Betty before she left on 7/28." Correct?

Mr. BARRY. That's what I said. Yes.

Mrs. CHENOWETH-HAGE. All right. Later, the document says that, "The only people I have been in contact with on this project are you—" that's your boss—"Kathy, Betty, Sandy, Bob, and John. I have not spoken to any other Government person on this, and I am not at all clear what my role should be. I feel the records must be recreated, and any searches need to be re-performed if the requestors feel it is necessary. This seems like a daunting proposition, but I do not see any other alternative." Correct?

Mr. BARRY. That's what I said. Yes.

Mrs. CHENOWETH-HAGE. The e-mail concludes—and this is the same document, in the second-to-the-last paragraph—"I apologize for the rambling nature of this memo, but I hope it captures my concerns and frustration level."

Mr. Barry, you sound like a real voice in the wilderness. Can you state for the committee you were frustrated when you wrote those e-mails?

Mr. BARRY. Yes. I was definitely frustrated.

Mrs. CHENOWETH-HAGE. Would you please turn to White House exhibit No. 47, an e-mail from Kathy Gallant to you dated September 25, 1998?

[Exhibit 47 follows:]



Kathleen K. Gallant
09/25/98 03:19:04 PM

Record Type: Record

To: Daniel A. Barry/[REDACTED]
cc: James B. Wright/[REDACTED]
bcc:
Subject: Re: Concerned [REDACTED]

I had a meeting with Joe Vasta, Logicon PM, John Spriggs, and Jim Webster yesterday morning regarding this very subject. I just had not had a chance to share with all the outcome of the meeting.

The Notes Anomaly team met and have come up with a strategy. It's a two phase approach basically.

They first will back-up Mail 2 using a DLT tape drive that they can verify as it writes. Then they will execute the Notes agent changes to change all the ids looking for Mail2 to MAIL2, then they will delete the unrecorded messages. This will get the un-Armed messages off of Mail2 and onto the recovery server. From that point forward - line in the sand - the mail will all be Arms managed properly.

As the second phase - Reconstruction of the unmanaged files from the Mail 2 server as well as any tape reconstruction - NG has to prepare an IWO for that work along with the other Notes/Arms work that needs to be done.

Contracts is aware of the whole mess, and supports the creation of the IWO to clarify what is to be done and when.

Please - no jumping out the window - - it's not necessary!!!

Kathy

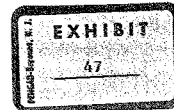
DANIEL A.

DANIEL A.
BARRY
09/25/98 08:59:14 AM



Record Type: Record

To: Kathleen K. Gallant/[REDACTED] James B. Wright/[REDACTED]
cc:
Subject: Concerned



E 0985

Mr. BARRY. Yes.

Mrs. CHENOWETH-HAGE. Mr. Barry, in this letter, Ms. Gallant notes that in her meeting with Joe Vasta, Mr. Hawkins' replacement, Logicon PM, a subcontractor, and John Spriggs and Jim Webster, a two-phase strategy was discussed at that time to respond to the problem. But in the second-to-the-last paragraph, Kathy Gallant observed that "contracts is aware of this whole mess and supports the creation of an IWO to clarify what is to be done and when."

And then she concludes, "Please, no jumping out the window. It is not necessary."

Now, I appreciate the humor here, but why would Ms. Gallant feel the need to say something like that in a memo?

Mr. BARRY. I'm not sure. Probably in response to my level of frustration.

Mrs. CHENOWETH-HAGE. All right. I yield back the balance of my time to Mr. LaTourette. Thank you.

Mr. LATOURETTE. I thank you. I don't know how much time remains on the clock, so just a couple of quick observations.

Mr. Spriggs, I wouldn't be intimidated by the referral by this committee to the Department of Justice. Their performance on other referrals we've made should leave you anything but intimidated. [Laughter.]

And I just want to make a couple of observations, and that is I want to talk about the two phases of this, sort of for the record's sake.

One is we're not talking about some—an exercise that is not important. And there were two steps. One is you had to fix the problem. I believe it was called "stop the bleeding," is that right, Mr. Barry? You had to figure out why incoming e-mails to the White House were not being captured, and that was done in a fairly speedy fashion, was it not? You stopped the bleeding, or you believed you stopped the bleeding; is that right?

Mr. BARRY. Well, I was involved only, again, from the ARMS perspective, and I was only involved in the first 2 weeks of technical meetings starting in July 1996.

The best of my knowledge, the "bleeding" was stopped in November 1998.

Mr. LATOURETTE. OK. But the second problem is that you had a period of time where e-mails that were not captured by the ARMS system are still some place out there, and I think that when Mrs. Chenoweth was talking to you, that was some of the frustration, that no effort—OK, maybe we stopped the bleeding, and maybe we haven't, but no effort is being made to retrieve what we recognize is a whole body of stuff that didn't make it in the ARMS system; is that right?

Mr. BARRY. Well, I think the source of my frustration was that I had been involved for the first 2 weeks starting in June or July 1998 and then had heard nothing after that until November.

Mr. LATOURETTE. Could I just ask one more question?

Mr. WAXMAN. May I ask unanimous consent the gentleman be given 2 additional minutes and yield at this time.

Mr. BURTON. Thank you. Without objection, so ordered.

Mr. LATOURETTE. I appreciate the courtesy.

I just wanted to point out—and anybody on the panel can answer this—the reason that this is important—and there has been some criticism from the White House that, you know, you goofy Republicans want us to spend a lot of money and recreate stuff from files that are locked up, and it's going to cost us a lot of dough to do this.

You have to, under the law, not only the Armstrong decision but the Federal public records law, take these e-mails that have not been captured by ARMS, put them in the ARMS system, so that they may be responsive to those who may seek these public documents in the future. Isn't that the law?

Mr. BARRY. I'm not really a legal person, but—

Ms. LAMBUTH. Well, let me ask somebody else. Any of you aware of the public records law? Mr. Haas, how about you?

Mr. HAAS. I have just recently been told that. I did not know that, but it makes sense.

Ms. LAMBUTH. Well, I think it does make sense, and I would tell you that I'm not a legal expert, either, but I believe that there's a case called *Armstrong v. the Executive Office of the President* that extends Federal recordkeeping mandate to electronic mail. And the reason that you have the ARMS system is so that the electronic e-mails can be captured, and when somebody like a court or a committee of Congress wants them, you can search by, you know, Lewinsky or Filegate or whatever the case may be and pull them up and you don't have to go through the laborious process that Mr. Haas apparently went through.

And so somebody has to do this, anyway, or else the White House is out of compliance with Federal law and the Armstrong decision.

Does anybody disagree with me? Is that a fair observation?

[No response.]

Mr. LATOURETTE. OK. I'm going to take silence as assent, which is always a dangerous thing.

In the next round of questioning I want to come back—I hope we're going to have another round, Mr. Chairman—and, Mr. Hawkins, I want to talk to you specifically about—where did Mr. Hawkins go?

OK, Mr. Hawkins will be back shortly.

Mr. LATOURETTE. Well, maybe Mr. Hawkins doesn't want to talk to me, but I want to talk to Mr. Hawkins about the meeting that took place with Mr. Lindsay and Ms. Crabtree.

Ms. Golas, you've sort of been ignored here for the last 3 hours, and I want to talk to you about your experiences and your specific recollections.

I thank you, Mr. Waxman, for the courtesy, and yield back.

Mr. BURTON. We will go to a second round.

I want to tell the panel and the Members we would like to finish with this panel and then break for lunch. I hope we will be concluding more quickly, but there seems to be additional questions that are coming up that have to be addressed, so if somebody has to go to the bathroom or something—if you all do, we can take a 5-minute recess, but we'll break for lunch as soon as we finish this panel.

Mr. Barr.

Mr. BARR. Thank you.

Mr. Barry, during the break I consulted with our counsel here. We don't have a copy of your incident report. That apparently has not been furnished to us. Could we have a copy of that, please?

Mr. BARRY. Yes, sir.

Mr. BARR. Was a copy of your incident report provided to—

Mr. YOUNG. It was produced, Congressman.

Mr. BARR. Pardon?

Mr. YOUNG. It was produced.

Mr. BARR. And who are you?

Mr. YOUNG. I'm counsel to the Office of Administration, Congressman.

Mr. BARR. OK. And what is your name?

Mr. YOUNG. John Hardin Young.

Mr. BARR. OK. And you are employed by the White House?

Mr. YOUNG. No, I'm not.

Mr. BARR. Who employs you and who are you retained by?

Mr. YOUNG. Director of the Office of Administration.

Mr. BARR. The what?

Mr. YOUNG. Director of the Office of Administration.

Mr. BARR. The Office of Administration.

Mr. YOUNG. Executive Office of the President.

Mr. BARR. OK. And you are employed by—

Mr. YOUNG. The Office of Administration, the Executive Office of the President.

Mr. BARR. White House?

Mr. YOUNG. No. The Office of Administration of the Executive Office of the President.

Mr. BARR. Is that an agency of another government? I mean, I don't know. I appreciate the fact that you are an attorney and so forth. I'm just trying to find out—are you employed by the administration, by an agency of the administration of the White House?

Mr. YOUNG. The Office of Administration was created by the Reorganization Act of 1977. It is an agency within the Executive Office of the President.

Mr. BARR. Which is the White House, the administration.

Mr. YOUNG. I'll leave that for your conclusion, sir.

Mr. BARR. Thank you. That is my conclusion.

Was a copy of the incident report that is being copied now provided to you—by you, Mr. Barry, to the White House counsel's office?

Mr. BARRY. It wasn't provided by me to them. No.

Mr. BARR. It was not? OK. Did they receive a copy of it at some point? Do you know?

Mr. BARRY. I don't know, sir.

Mr. BARR. OK. Do you know even today whether they received a copy of it or whether they have a copy of it?

Mr. BARRY. I don't know.

Mr. BARR. Did you provide them a copy of the Lewinsky e-mail or e-mails that were in question?

Mr. BARRY. I provided to them back in 1998 all of the e-mails that hit on the search that I was running against the ARMS system.

Mr. BARR. Including the ones that we're talking about here today that sort of triggered this whole thing?

Mr. BARRY. Yes. The outbound ones, yes. That's all I had access to.

Mr. BARR. At that time, were there pending proceedings in the Congress with regard to these matters?

Mr. BARRY. I have no idea. I don't know.

Mr. BARR. OK. And when was this?

Mr. BARRY. It was January 1998.

Mr. BARR. 1998. OK. I think the record will reflect that there were at that time. And certainly subsequent you are aware of the fact that there were matters before the Congress which at least two different committees of the Congress—the Judiciary Committee in impeachment proceedings and the Government Reform and Oversight Committee—were investigating regarding Ms. Lewinsky and the other types of matters that we're talking about here today?

Mr. BARRY. I was aware that the impeachment was proceeding, yes, or the impeachment process.

Mr. BARR. And you were aware that, at various points in time during the period 1988 [sic] and 1999, this committee of the Congress also was investigating various matters regarding the President?

Mr. BARRY. I wasn't aware of that. I mean, I don't know. I don't—

Mr. BARR. OK. Is it your testimony that, even as you sit here today, you're not aware of that?

Mr. BARRY. I'm not exactly sure what the question is. I mean, I don't know what's going on in Congress all the time.

Mr. BARR. A lot of us up here don't, either. I certainly wouldn't hold you to that standard.

My concern is—and I think both counsels know what our concern here is, and that is with regard to obstruction of justice, which includes intimidation of witnesses, although some of the Federal statutes don't require that a pending proceeding actually be—or that a proceeding actually be pending. Various other provisions of Title 18 do, with regard to obstruction.

I think the record will reflect that those that caused the intimidation or the feelings of intimidation—the pressure, the threats, however you all want to characterize them, or however a prosecutor might want to characterize them—in fact took place in the context of pending proceedings.

These are all matters—and I know Ms. Hall is here in the audience, although has not been called as a witness, but I believe she also would testify that these matters were those under consideration, and very likely were the—perhaps the reason behind the pressure, the intimidation, or the tactics used by Mr. Lindsay and others, and that it was not simply to protect all of us from the media.

I suppose we'll get into this later. I know Mr. Lindsay will be here, but I appreciate—although Ms. Hall is not a witness, I appreciate her taking the time to be here so that she can benefit from the testimony also.

Thank you.

Mr. BURTON. The gentleman's time has expired.

Mr. Mica.

Mr. MICA. Thank you, Mr. Chairman.

I want to thank the witnesses. Let me just say, before I start some questions, that we appreciate your coming forward and also cooperating with us, the committee. Unfortunately, we've had a history, as you've heard some of the other Members refer to, of trying to conduct investigations and oversight, which is our responsibility, and I think one that goes to the heart of really our structure and system of government being so successful that there is continually oversight by Congress looking at what the executive branch is doing.

As you've also heard, we've had a lot of difficulty. Sometimes we get pieces of the puzzle. We've had over 120 witnesses either flee the country or take the fifth amendment. We've gone down different paths, as you've read in the paper, only to find that documents disappear, and suddenly sometimes reappear and never appear, so we don't get the whole picture. And it does give us great concern when we hear of missing e-mails, and there may be some legitimate technical explanations for those documents not being produced, but it does raise us questions.

The major question I have is—and some of this has been alluded to—all of you that were involved in this process were aware that there was an independent counsel, there were congressional investigations seeking materials. Is that correct?

Ms. Lambuth, maybe we could start with you. You were aware of that?

Ms. LAMBUTH. Yes, I was.

Mr. MICA. And you were aware of that, Mr. Spriggs?

Mr. SPRIGGS. Yes, I was aware of it.

Mr. MICA. And the rest?

Mr. HAAS. Yes.

Ms. GOLAS. Yes.

Mr. HAWKINS. Absolutely.

Mr. BURTON. My next question would be: was there any—were you under the belief that there was any intent to stop any of this information from being revealed or being provided, either to this committee or to the independent counsel or anyone else who was seeking it? Do you think there was any attempt?

Ms. LAMBUTH. Well, as I had mentioned a little earlier, yes, I do believe. Initially we felt that they just wanted to figure out how they were going to let the public know that additional mail messages were found. I later, for sure—and I thought the rest of the team had, but I definitely felt, through the stalling and, as was pointed out a few minutes ago, Mr. Barry even felt that there was some stalling going on in revealing these other documents, and that nothing was being done on this particular project as far as where do we go now, what the next direction should be, getting the equipment in, and I do—I definitely do feel that there was some stalling.

Mr. MICA. Well, do you feel this was sort of an evolutionary sort of getting to a stall? Was it—Mr. Spriggs, you are shaking your head yes and no.

Mr. SPRIGGS. The question of a stall, we were all frustrated by the complexity of the technical problems that are required to fix this. The—

Mr. MICA. But once you—OK, there's the first part of being technically able to provide this. And at what point was that reached? Was that a few months afterwards, or is this still—

Mr. SPRIGGS. From my point of view, it hasn't stopped yet, sir.

Mr. MICA. It hasn't stopped yet?

Mr. SPRIGGS. Yes. I mean, there continues to be technical issues. When we have meetings, and when we—when the White House was informed that there was going to be this newspaper article that came out, we gathered to talk about what we were going to do to solve this problem. Let's get the technical heads together and let's talk about, you know, what's going on. And we began again to talk about the technical issues.

Obviously, we got sidetracked because of the article that came out and the discussions of time lines, but the technical issues, themselves, continue to be knotty, difficult problems.

We had—

Mr. MICA. So you're saying before the committee today that you still aren't able to produce these e-mails as of today?

Mr. SPRIGGS. As of today we cannot.

Mr. MICA. You cannot. And we had Mr. Haas testify that he did search for certain e-mails and found—you said you had 500 of one and a bunch of another on a matter; is that correct?

Mr. HAAS. That's correct. That was a manual search, just as you would look through your own mail file. That's not acceptable to ARMS. The return is literally you see a screen full of documents. Of course, you can print them, but even that—

Mr. MICA. When you got that information, you gave it to who—that you had some of this information?

Mr. HAAS. The Monica Lewinsky printouts? That went to—

Mr. MICA. Whatever you found.

Mr. HAAS. Yes. That went to Betty Lambuth.

Mr. MICA. And then you—

Ms. LAMBUTH. I gave the Monica Lewinsky printouts to Mark Lindsay.

Mr. MICA. And you don't know what happened to them afterwards?

Ms. LAMBUTH. No. And any of those e-mails can just be printed out.

Mr. MICA. But somehow you had the feeling that this went beyond just not being technically able to acquire the information to a different phase; is that correct?

Ms. LAMBUTH. Yes, I did. Again, because I could never get my questions answered as being a supervisor so I could give direction to my team, I couldn't get answers to questions that I had. As I had mentioned previously, I was removed from the contract. I was one of the people that had history on this particular Project X, and nothing was done by the Government people that knew I had this information and to continue to do the continuity of guidance—

Mr. MICA. At what point were you removed?

Mr. BURTON. I'm sorry. The gentleman's time has expired. We'll come back for a second round, Mr. Mica. We'll come back in just a little bit.

Mr. Hutchinson.

Mr. MICA. Can she answer at what point she was removed, just so we have a complete record?

Mr. BURTON. What's that again?

Mr. MICA. At what point she was removed was the question.

Mr. BURTON. At what point were you removed?

Ms. LAMBUTH. I was removed in July.

Mr. BURTON. Of?

Ms. LAMBUTH. 1998.

Mr. BURTON. 1998.

Mr. MICA. Thank you.

Mr. BURTON. Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

I want to look back and sort of put this in context, or examine it in that sense, all that was happening in 1998 whenever you were concerned about the searches and the technical problems.

In January 1998—you all read the newspapers? I mean, it was an explosive atmosphere. You had the public stories about the independent counsel, about Monica Lewinsky, as to what was going to be leading up to August 1998, and during that time you were told to conduct these searches based upon certain subpoenas.

Now, did anyone see the subpoenas, or were you all just told this is what you need to search for?

Mr. HAAS. When we get subpoenas—if these are subpoenas that we're getting, an e-mail is circulated through to all of the EOP, and it just basically states the fact that they're looking for documents related to, in the case of Monica Lewinsky, Monica Lewinsky, and please produce them. We don't see the physical subpoena in its true written format.

Mr. HUTCHINSON. Do they explain to you in that directive as to who issued the subpoena, whether it be the independent counsel or grand jury or a committee of Congress?

Mr. HAAS. I don't recall reading any information pertaining to that. It may state that in the beginning, but I cut to the chase and try to find the information.

Mr. HUTCHINSON. But you knew that you were trying to comply with subpoenaed information, either from the independent counsel or for some other body?

Mr. HAAS. When I personally receive one, yes, but again I state we don't search our mail files, ourselves. That is theoretically done automatically, and in this case it was missed because of the glitch.

Mr. HUTCHINSON. But you felt concerned about it at some point when you understood the glitch, that you went through manually to see what you could find in some files.

Mr. HAAS. I was requested to specifically look for Monica Lewinsky in these specific mail files. I was directed to do that.

Mr. HUTCHINSON. Who directed you to do that?

Mr. HAAS. Betty Lambuth presented me with a note with some names on it that was given to her by someone, and I proceeded to follow that note. And then, at a later point, they suggested I look in Ashley Raines and Betty Currie's mail file, and that's when I found the documents, within minutes of being handed the note.

Mr. HUTCHINSON. And you provided those documents to Ms. Lambuth?

Mr. HAAS. Well, initially I just reported the findings, and then after that I was—she took that information and went wherever she goes with it. They came back later and asked me to please set up a work station that I could print those on paper and present them to her. Yes.

Mr. HUTCHINSON. Ms. Lambuth, you received this information. What did you do with it?

Ms. LAMBUTH. When I received this information, I either gave it to Ms. Crabtree or Mr. Lindsay.

Mr. HUTCHINSON. And you—

Ms. LAMBUTH. And I don't remember in which case I gave what information to whom, except I know I took Monica Lewinsky's over to Mr. Lindsay at the old Executive Office Building.

Mr. HUTCHINSON. And did you believe that these searches were important?

Ms. LAMBUTH. I'm sorry?

Mr. HUTCHINSON. Did you believe that these searches that you were doing were important?

Ms. LAMBUTH. Yes.

Mr. HUTCHINSON. You knew that they had some legal impact because you were complying with a subpoena?

Ms. LAMBUTH. Correct.

Mr. HUTCHINSON. And there are two issues here. I mean, one, you've got to fix the technical problem. You've got to comply with the law in terms of the public records, and then you also have subpoenaed information in an investigation that is going on by the independent counsel.

Was this part of the reason that you were going to Starbuck's to meet? I mean, this was not simply an ordinary technical problem; am I correct?

Ms. LAMBUTH. That is correct.

Mr. HUTCHINSON. Now, did you ever consider a broader responsibility? I mean, you were told and basically threatened by the—Mr. Lindsay that—"Don't talk about this." Did you believe that you might have a broader responsibility to the public to mention this to someone?

Ms. LAMBUTH. Yes, I did. As I said, though, I was only on this project for a short period of time. I had some knowledge, because I guess it was basically 6 weeks that they left me on the project before they removed me. They removed me from that project. But—

Mr. HUTCHINSON. Was this the nature of some of the discussions at Starbuck's? And I'll go to someone else, if you want to comment on this.

Ms. LAMBUTH. Most—yes, most of our discussions were over in the park. We went to Starbuck's a couple of times. But it was basically how are we going to handle these issues. When we found out other bits of information, what was our next approach going to be? How was the best way to handle it? What kind of information did we need to turn over and ask the Government for?

Mr. HUTCHINSON. Let me interrupt you there—and anyone else can comment on this. The people who participated in these meetings in the park where you had discussions about, one, you had a technical problem. And I'm interested also just as to what the

thinking was at that time. Was there concern about the public interest, about the independent counsel and whether this is a cover-up? Was there any discussions about that as to the seriousness of this matter and the importance of it?

Mr. HAAS. That was not typically the purpose of our meeting out there. We would go offsite to the park, as she mentioned, to have technical discussions. And I don't believe at any time during any of the offsite meetings we discussed the fact that the public wasn't going to be made aware of this. We were really working the technical detail of the problem. We weren't out there having offsite discussions about the global problem. We were fixing specific details.

Mr. HUTCHINSON. Does everybody agree with that?

Ms. GOLAS. Yes. We weren't provided any place that we could go to work, and so this was our place where we would go to have discussions. We didn't have any equipment, so we really couldn't do a whole lot of testing, so it was really difficult for us to come away with any conclusions in any one period of time, so we had a number of meetings.

Mr. HUTCHINSON. I yield to Mr. Souder for—

Mr. BURTON. The gentleman's—

Mr. SOUDER. But it is important, because earlier on the record they all said that they privately had speculated about the things that Mr. Hutchinson is asking.

You said you had private discussions speculating about what was in these documents, whether these documents might be called, and you all pretty much said that earlier.

Mr. SPRIGGS. Just to clarify, we were not ignorant of the things that were going on around us, but the focus of our attention—I mean, we are there to solve a technical problem, but we are not ignorant of or ignoring the broader implications of these things. It is that, from our point of view, we are—we have a certain function to provide here, and I don't give counsel to the President and I don't—you know, those broader issues are Government issues. It's Government's responsibility to do certain things. And they tasked me to do specific technical things for them. They don't ask me, they don't hire me to be a consultant in a broader context, as you seem to be expressing.

Mr. BURTON. We'll have another round in just a moment.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

Mr. BURTON. Yes. We'll come back in just a few minutes.

Mr. Waxman.

Mr. WAXMAN. Thank you very much, Mr. Chairman.

I want to make several observations about the testimony so far.

There are times when members of this panel are hoping for specific testimony to be delivered, but we can't reach conclusions based on what we hope you'll say. We're limited, or we should be limited, by the facts. The facts are some things we know and some things we are hearing from you to illustrate for us what the facts are.

I think one objective fact is that there is a disagreement among members of this panel as to whether jail was threatened. It is clear to me that Mr. Haas honestly believes that it was said to him that he could go to jail if the information were made public. Others don't recall it, but—

Ms. LAMBUTH. I recall it. I stated for—

Mr. WAXMAN. Excuse me. I didn't say that you didn't. I said some people recall it, others do not recall it. Let me just put it this way: some of you think that you were threatened with jail if you told the information, others don't. Ms. Lambuth certainly does. Mr. Haas sincerely believes it. As I understand, Ms. Salim doesn't recall it.

Ms. Golas, what was your testimony?

Ms. GOLAS. I believe that they used the word "jail" in reference to not complying.

Mr. WAXMAN. Is it fair to say that what all of you do understand is that Mr. Lindsay wanted to keep this matter quiet? Is that a fair statement? Does anybody disagree with that?

[Heads nodding affirmatively.]

Mr. WAXMAN. OK. You're all shaking your head.

Mr. HAWKINS. That's correct.

Mr. WAXMAN. OK. Now, Ms. Lambuth has said that she thinks the e-mails involved Filegate, campaign finance abuse, sale of Commerce Department trade secrets, improper activities by the President. Is that right, Ms. Lambuth?

Ms. LAMBUTH. That's correct.

Mr. WAXMAN. And she also said her source for that information was Mr. Haas. Now, Mr. Haas has denied ever telling her that the e-mails involved Filegate, campaign finance abuses, sale of Commerce Department trade secrets, etc. Is that right, Mr. Haas?

Mr. HAAS. That's correct.

Mr. WAXMAN. OK. So we have a conflict of testimony as to that whole issue.

Now, on the question of the White House response, Ms. Lambuth seems to disagree with everyone else on the panel about whether Mr. Lindsay was dragging his feet.

Ms. Lambuth, you were terminated by Mr. Hawkins in July 1998.

Mr. HAWKINS. That's not correct.

Mr. WAXMAN. She was not terminated in 1998?

Mr. HAWKINS. No, sir, she was not. Northrop Grumman does not terminate our subcontract employees. I removed her from the contract for several reasons, not just this one reason.

Mr. WAXMAN. What were the reasons?

Mr. HAWKINS. Failure to follow management directives, failure to stay within compliance of the contract, failure to be able to work cohesively with her direct manager.

Mr. WAXMAN. And that was July 1998?

Mr. HAWKINS. Yes, sir, it was.

Ms. LAMBUTH. I was threatened not only by the Government—I mean, I was threatened two different ways. I was threatened that if I did talk I would end up in jail and be fired—be fired and end up in jail, and I was also threatened by Mr. Hawkins that if I didn't talk to him that I would be removed from the contract and he would try to get me removed from CEXEC.

Mr. HAWKINS. Can I respond to that? That is absolutely untrue, absolutely, positively untrue. She was never threatened with her job. I cannot do that. That was not within my roles and responsibility. Her manager and I had several conversations prior to this event about removing her from the contract, and that is for the

record—several discussions. So this was just the straw that broke the camel's back.

When Ms. Lambuth was called back to EOP the evening that I found out, she did not want to come back. I asked her to come back.

Ms. LAMBUTH. That is not correct.

Mr. HAWKINS. Let me finish, please.

Ms. LAMBUTH. Sorry.

Mr. HAWKINS. I then very specifically asked her what was going on. She told me she could not do that. I reminded her of our responsibilities as contractors to the U.S. Government that the COTR and only the COTR could direct our work force, and that had to come through the program manager.

Under no circumstances was she told that she was going to be fired or terminated. That was never said.

Ms. LAMBUTH. I disagree with that, obviously.

First of all, I talked to Sandy before I ever talked to Steve, and I told Sandy just to hang tough, I was on my way back. Then I talked to Mr. Hawkins and told him I was on my way back.

Mr. WAXMAN. Let me ask—

Ms. LAMBUTH. When—

Mr. WAXMAN. Excuse me, because my time is just about over and the chairman said he's going to indulge me because we've indulged other Members with a few extra minutes, but what I don't understand, Ms. Lambuth, is you thought you were being told you were going to go to jail if you made any information public, but you also said you thought that the White House was trying just to correct the problem and then later you reached a different conclusion.

That sounds to me somewhat inconsistent. Can you clarify that?

Ms. LAMBUTH. No. What I said was that we were threatened that if any of us talked we would lose our jobs, we would be arrested, and we would go to jail, and I truly believed that.

Mr. WAXMAN. But you thought the White House—

Ms. LAMBUTH. In the beginning—may I finish?

Mr. WAXMAN. Yes, but you thought the White House—

Ms. LAMBUTH. In the beginning—

Mr. WAXMAN. But you thought the White House was—

Ms. LAMBUTH [continuing]. When I started working with Mr. Lindsay on this project, we and I, myself, but the team really felt that they were trying to come up with a method of introducing this to the public. I did state—and I still believe it to this day—that they started dragging their feet for any of this to take place, to reveal to the public that this was—in fact, that these e-mails had been found and to allow us to come up with a way to produce these e-mails.

Mr. WAXMAN. Just for the record, if you left in July 1998, you weren't there when presumably you think the White House was dragging their feet—

Ms. LAMBUTH. No. They were dragging their—

Mr. WAXMAN [continuing]. Because that was afterwards.

Ms. LAMBUTH [continuing]. Feet before I left, because I couldn't get any answers on this particular project.

Mr. WAXMAN. Thank you.

Mr. HAWKINS. Mr. Waxman, could I elaborate one point? To collaborate the truth of any statements, Ms. Kathy Gallant can substantiate our conversations between Ms. Gallant and myself about the reasons Betty was removed from EOP.

Mr. BURTON. OK. Thank you.

Mr. LaTourette, I have not used my first round after the initial 30 minutes. I will yield to you because you have to go manage the floor. You're going to be managing the floor on the House?

Mr. LATOURETTE. Thank you. I—

Mr. BURTON. So we'll yield to you for your second round, then I'll come back and do my first.

Mr. LATOURETTE. I thank everyone for the courtesy. I have to go preside over the budget proceedings at 2.

We sort of diverted into a discussion about why Ms. Lambuth—I don't care, to be honest with you.

I would like to go to Ms. Golas for a minute. You don't appear to be—having watched you here—the insubordinate type, and so I'm curious about how it is you reached the conclusion to be in a position where your supervisor, Mr. Hawkins, considered you to be insubordinate. Could you describe that? How did that happen?

Ms. GOLAS. Well, I came out of a meeting. I was in my office working on a problem. The COTR came in and—with another one of the Government workers. We had a problem that I had been working on simultaneously, and he started to ask me what was going on, and I said, "I'm working on a couple problems." And he said, "Well, I need you to stop and fix this." And I said, you know, "I'm working on these other things, too." And he said, "Well, what are you working on?" So I explained to him that I was working on another something else, and something I couldn't go into any details with him.

And then he got really abrupt and said, "Tell me what you're working on." I said, "I'm not at liberty to say anything."

So he said, "I want you to go down—come right down with me to Steve's office." So he followed me down—so I followed him down to Mr. Hawkins' office, at which point he tried to explain to Mr. Hawkins what was going on, and then he—of course, Steve didn't have any idea. Nobody had any chance to really say anything.

And the next thing you know, Steve was yelling at me because the COTR was trying to give me orders to do something and I'm confused and perplexed. I was doing, I felt, what was, I believed, investigative work for a problem. I didn't believe it was out of scope. I felt uncomfortable that the COTR was in my office trying to give me direction.

And so now I've got the COTR, who I'm not supposed to tell what I'm doing, and I have Steve standing in front of me yelling at me, and I just finally—he said, you know, "You're bordering on being insubordinate." And I just said, "Well, if it's a choice of being insubordinate or going to jail, I guess I'll be insubordinate."

Mr. LATOURETTE. OK. And that's what I want to get to, that you felt compelled, as a result of this set of circumstances, to say, "Look, I don't want to be insubordinate, but if I've got to choose between being insubordinate to you or going to jail, I am going to take being insubordinate to you."

And how did you—you came to that conclusion as a result of the conversations that you would have had with Ms. Crabtree and Mr. Lindsay?

Ms. GOLAS. Yes.

Mr. LATOURETTE. You were concerned and fearful that if you discussed with—

Ms. GOLAS. I was very concerned. I've worked in environments before where things were classified.

Mr. LATOURETTE. Right.

Ms. GOLAS. It's not necessarily all for your manager if he doesn't have the same classification to know everything that you were doing all the time.

Mr. LATOURETTE. Right.

Ms. GOLAS. So I didn't find it unnatural to be in this kind of a situation.

Mr. LATOURETTE. OK. And I—have I misread you? I don't—you're not the insubordinate type, are you? This was a tough spot for you to be in, wasn't it?

Ms. GOLAS. No. I'm not usually, I don't believe.

Mr. LATOURETTE. OK. Well, Mr. Hawkins is shaking his head, too, so I guess we'll take that that you're not.

Mr. Hawkins, that takes me to you. Obviously, you then became concerned as a result of this, and maybe some other things that occurred, and concerned enough to go see Mr. Lindsay and Ms. Crabtree?

Mr. HAWKINS. I was summonsed to Mr. Lindsay's office by Mark Lindsay.

Mr. LATOURETTE. OK. And was this the subject of the conversation—that is that, you know, "Hey, what, in fact, is going on? The people that are under my supervision are saying they can't talk to me?"

Mr. HAWKINS. I'll characterize it as they wanted to know why I interfered. Ms. Laura Crabtree was in the room at first, and she basically accused me of interfering.

Mr. LATOURETTE. And let me stop you there. When you talked to the majority staff, I believe, you recall a comment being made to you by Ms. Crabtree that everything was fine before you stepped in.

Mr. HAWKINS. Absolutely.

Mr. LATOURETTE. Is that a direct quote from Ms. Crabtree to you?

Mr. HAWKINS. That was a direct quote.

Mr. LATOURETTE. OK. And at this time were you aware what the problem was, that there was this e-mail e-server problem?

Mr. HAWKINS. No, sir. I didn't have any idea, other than I had a COTR breathing down my neck, I had a CO—the contracting officer—telling me to stay in bounds of my contract. And, first of all, as I told Mr. Lindsay, my contract was with the U.S. Government and it was not with Mr. Lindsay nor was it with Ms. Posey.

Mr. LATOURETTE. Did you ask either of these folks if they had threatened these employees with jail, and, if so, why?

Mr. HAWKINS. I did not go into that at that time. No.

Mr. LATOURETTE. OK. I thank you very much.

Mr. HAWKINS. Right.

Mr. BURTON. Did you go into it at any time with them?

Mr. HAWKINS. No. After I stood my ground with Mr. Lindsay, we didn't talk.

Mr. BURTON. You never said anything to them about the threats?

Mr. HAWKINS. I did say it to Jim Wright, the COTR.

Mr. BURTON. And what did you say to him?

Mr. HAWKINS. I told him I didn't like the employees being threatened. I also mentioned it to—

Mr. BURTON. How was your understanding that they were being threatened?

Mr. HAWKINS. Well, Mr. Bob Haas, when he came down to the office with Sandy—and I'll go on the record, Sandy would never have been cited for insubordination. She was put in a very difficult situation. But Mr. Haas was the person who told me that these e-mails were very important to the political and the subpoena issues going on at the time, and I personally had the discussions with Dale Helms, the contracting officer, and Jim Wright in telling them that I felt, because of the importance of the subpoenas that we had been requested to turn over all our documents pertaining to the President and Monica Lewinsky, that this could lead to further problems for Northrop and our employees. And I stood my ground.

Mr. BURTON. So you told him, "I don't want you threatening my employees?"

Mr. HAWKINS. Absolutely.

Mr. BURTON. OK. But you knew that there had been a threat of jail?

Mr. HAWKINS. That came from Mr. Bob Haas. I did not—I have no personal knowledge of the threats being given to them by either of the parties.

Mr. BURTON. But you heard that from Mr. Haas?

Mr. HAWKINS. Yes, sir.

Mr. BURTON. Mr. Haas, did you ever go to the office of Sheryl Hall to discuss Project X?

Mr. HAAS. Yes, sir.

Mr. BURTON. Did you ever tell Sheryl Hall that you were afraid for your life?

Mr. HAAS. Afraid for my life? No. Afraid of going to jail, yes.

Mr. BURTON. You never told her you were afraid or feared for your life?

Mr. HAAS. No, sir.

Mr. BURTON. OK. Did you ever provide her with any documents relating to Project X?

Mr. HAAS. Yes, sir.

Mr. BURTON. And why did you—

Mr. HAAS. She had requested.

Mr. BURTON. She requested the documents?

Mr. HAAS. Yes. I—in a working relationship such as we've had around the EOP, this was after the disclosure of—with Northrop Grumman's lawyers and more or less pulled us out of the point where we didn't have to believe we were under threat of jail, and Laura Crabtree had departed. Sheryl had asked me some questions and called me to her office and was asking about this because it seemed to be falling back under her purview, if you will.

At that point in time, she asked me for copies of the list, which is the 525 typed list, and I gave her what I had.

Mr. BURTON. So you gave her, what, 525—

Mr. HAAS. This list that is here—

Mr. BURTON. But she asked for the list and you gave it to her?

Mr. HAAS. Yes.

Mr. BURTON. OK. Did you ever save any search responses or records on another electronic media, such as a zip drive?

Mr. HAAS. Just the stuff I saved for the people with the subpoena right now last week. I've never saved it on a zip drive for anybody.

Mr. BURTON. Never saved it on a zip drive or any kind of electronic device that you might have had at home or something?

Mr. HAAS. No, sir. I don't have a zip drive—I have a zip drive at home that is currently broke, but I don't have any—I just recently got a zip drive at work to record these documents last week, but I don't—

Mr. BURTON. The one at home, though, doesn't have any information on it?

Mr. HAAS. No, sir.

Mr. BURTON. And you never took any information home with you or anything and kept it?

Mr. HAAS. No, sir.

Mr. BURTON. Did you ever offer to Sheryl Hall—

Mr. HAAS. I did not have that computer at the time this happened, by the way.

Mr. BURTON. OK. Did you ever offer to Sheryl Hall that she could view any of the search results from searches that you performed?

Mr. HAAS. No, sir.

Mr. BURTON. You never did?

Mr. HAAS. No, sir. The documents in which I searched—as I related to you, I read those two documents. The rest of it was turned over in paper format and went to wherever it went.

Mr. BURTON. So you never offered Sheryl Hall that she could read any of the search results from the searches you performed?

Mr. HAAS. No, sir.

Mr. BURTON. Did you ever tell Sheryl Hall anything to the effect that if the results of the e-mail searches became known, the results of the investigations would be different and other people would go to jail?

Mr. HAAS. No, sir. If anything related to that, we may have had conversation, as we commonly did in her office, that if any of the stuff that was subpoenaed, like Filegate and that, were to show up in the search after all the documents were unloaded into the ARMS system, that it would be a real boondoggle, or something like that, but it was conjecture. It was not matter of fact. I know of no documents that exist in that format.

Mr. BURTON. Does any e-mail actually reside on the PCs of the White House users, or does it all actually reside on the servers?

Mr. HAAS. There was at one point, right prior to finding the problem—we were running out of disk space on Mail2. There was an active project to replace Mail2 for improved disk space. And at that point in time, a group of programmers that worked with me would put together a methodology for archiving these huge files that were

on the server to their local C drive and then deleting some of the mail off of the server copies so that they could still have their more-or-less referential copy available to them.

Mr. BURTON. But the vast majority was on the outside server, not on the PCs, right?

Mr. HAAS. That's correct. One of the very first things that happened when we discovered this issue about the non-records management was I suggested that they stop immediately allowing people to archive to their hard drive, because that followed with deleting the documents off the server, and I didn't want that to happen, either.

Mr. BURTON. Therefore, if someone searched their PC in response to a subpoena, they wouldn't capture any of the e-mail that was on the Mail2 server; is that correct?

Mr. HAAS. Other than those people that had made archived copies on their machine, which there were a few, that should have searched it, as well as part of the requirement, they would not normally search their server.

Mr. BURTON. So the fact of the matter is, then, that there is a lot of this that was not on the personal PCs that these people have; it's all on that outside server.

Mr. HAAS. Yes. I would say 98 percent of it is on the server.

Mr. BURTON. OK. I thank the gentleman.

Who is next? I think Mr. Souder.

Mr. SOUDER. Thank you.

I have a couple of followups that I have been trying to keep track of.

Mr. Haas, you said early on that, when you had done the Monica requests on downloading her PC, that it would require special programming to cross-reference, that that was a very complicated thing and that it would require special programming?

Mr. HAAS. To search more than one file at a time would take programming. Yes, sir.

Mr. SOUDER. And, as I understood, you said you were surprised that that request never came?

Mr. HAAS. Well, considered—the timeliness of the Monica Lewinsky search that I did manually coincided with just a few days before, I believe, she testified. I'm not sure, but it was coming up that somebody was testifying in the Monica Lewinsky case. And I thought it was pertinent that somebody would ask us to go in-depth. Once we found one, let's find them all and come up with some method, but it never came.

Mr. SOUDER. Because you suspected that there might be things there that wouldn't be backed up elsewhere in the system?

Mr. HAAS. Yes, sir.

Mr. SOUDER. Could you explain why something—how that works? Why something would have been that you might have come up with something in that programming that wouldn't be backed up anywhere else?

Mr. HAAS. If they were willing to accept the type of printouts like we had done when Betty was requested to print it out, that's not an ARMS search.

If you can imagine—if we searched that one file and found 400 or 500 documents, let's say we found 25 people, that's a lot of paper

somebody has to read, and I don't know—I assume that you have the resources to hire people to read it, but it is not the kind of format you want. But I suspected if they went through and looked for it and they found a huge amount of it, it would be pertinent to the testimony.

Mr. SOUDER. Because it wouldn't be anywhere else?

Mr. HAAS. I have no way of knowing that it is not anywhere else. All I can refer to is the fact that in all of these mail files I looked through, I found significant numbers of documents showing in a view that said they never made it to ARMS. If they made it through secondary and third-level processes, I have no way of knowing that.

Mr. SOUDER. We are going to hear, apparently, in the second panel that all this stuff was available elsewhere. How would they know if they—if your search on that limited number of Monica documents is the only thing that they checked?

Mr. HAAS. I would have no knowledge of how they would sit here and testify to that.

Mr. SOUDER. Is it plausible that everything—in other words, what you describe as a programming method, they could have checked Monica and campaign financing or trace different names—John Huang, Charlie Trie, anything we wanted to? Is it plausible that everything—that this missing gap, which I understand that's small, that is incoming e-mails that aren't CC'd to anybody else, is it plausible that every one of those incoming e-mails is backed up somewhere else in the system?

Mr. HAAS. No, sir. They are on that server, and, unless there is a process to search them, they won't be recovered, you know, taken all the criteria you gave me, and there's no other system that will reach in and pull them out.

Mr. SOUDER. Mr. Barry.

Mr. BARRY. I think, Bob, you're missing something about the fact that if the e-mail is in Betty Currie's, for instance, e-mail file, and she gets the memo on her desk to search relative to the subpoena, we—I know I always go through my e-mail file and search relative to a subpoena apart from an ARMS search. So she would—I'm assuming maybe Bob is overlooking that. I'm not sure.

Mr. SOUDER. We are getting to a crux of a real difficult question, but I want to ask another thing here, and that is: is it possible, based on the fact that, instead of following the normal kind of chain of command inside a civil—a contracted-out service that previously had been Civil Service, and Schedule C appointees—that is, political appointees of the White House have now interjected themselves in a contract process, and clearly now, in retrospect, certainly stonewalled during a very critical time of 1996 to 1998, is it plausible, because of the way I understand the backup system, is it that instead of the system scooping up these e-mails every few minutes, they were being duplicated at night in individual computers many hours later. Is it plausible that, given the fact that political appointees had come in and now were knowledgeable of this, that other political appointees in the White House realized there wasn't a backup system for a number of hours and, in fact, could hit a delete button?

In other words, if there was an e-mail you did not want to get and you didn't want to keep it in your personal file that Mr. Barry was talking about, and you had knowledge that all of a sudden the system was down and you weren't going to be backed up if you deleted it in a short period, is it plausible that that information could have gotten out?

Mr. HAAS. The plausibility of that is, first of all, the general knowledge of being able to delete it before it was backed up, I don't know that that information was disseminated outside of our floor of the building.

Mr. SOUDER. But what about that Mark Lindsay knew?

Mr. HAAS. OK. That's—it wasn't disseminated by any of us.

Mr. SOUDER. I'm not accusing you. I'm saying political appointees—

Mr. HAAS. Is it—it's plausible that a person could receive a document and hit the delete key and it not—if we just even talk about one single document, absolutely it's possible.

Mr. SOUDER. Because a fundamental question that the American people are having, and we in this panel, is, as I had read the Government's documents that came over here, and what we're going to hear later today is, "Trust us." I tell you what, the problem we have is the trust is gone, because it doesn't prove anything, the fact that somebody could have deleted something, but, in fact, based on the history of what we are frustrated with, we are no longer willing to accept the trust that if, in fact, there was the ability to delete documents, then it is, to me, very disturbing, because the political appointees, in fact, all of a sudden have a potential motive for what happened in 1996, 1998.

That's different than proof, but the fact is that we don't know.

Mr. BARR [presiding]. I thank the gentleman.

The gentleman from Florida is—

Ms. LAMBUTH. Could I say something?

Mr. BARR. Very briefly.

Ms. LAMBUTH. Yes. I was just going to say, if I remember correctly, I think that there is, like, up to a 13-minute period in here that mail can actually be deleted before it is ARMS managed.

Mr. SOUDER. That's the normal.

Ms. LAMBUTH. Yes.

Mr. SOUDER. But when the system is down, wasn't it going to be a whole day, roughly, until that evening?

Mr. SPRIGGS. To the extent that there actually were instances where we received e-mail messages from a postmaster account saying, "Because of disk space limitations, please delete mail messages, please delete files." We knew we had a disk space problem on Mail2 and others. I mean, I'm on Mail5. In our situation, we were actually given instructions, "Please delete these things because we're running into disk space problems."

Well, if you are on Mail2 and you received that instruction and you delete it, whether you are a political appointee or what, you just complied with a directive to delete mail messages. You thought they were records managed, but, in fact, they weren't.

Mr. BARR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Thank you, Mr. Chairman.

Well, it appears to me that you all had two basic missions. One was to fix the problem that had been uncovered; that's correct? And some of you are technical and were trying to fix that problem; is that correct?

Mr. HAAS. We have never—we've stopped the bleeding. We have never fixed the problem.

Mr. MICA. OK. But there was a problem. It wasn't reporting these.

Mr. HAAS. That problem we fixed.

Mr. MICA. That problem was fixed. OK. Then it appears that you had another role, which was to find—we're pumping out subpoenas or requests for information, independent counsel, the Senate, and others, so some of you were involved in the find mission, and Mr. Haas has testified that you—and, Ms. Lambuth, you said you had given him specific requests to find documents; is that correct?

Ms. LAMBUTH. That is correct.

Mr. MICA. And so far the only thing—now, and then we were—we have been requesting different documents, like Filegate. You've said the Vice President's campaign finance problems that we had asked—Waco, I guess, is another one, the sale of Commerce seats. Did you—and you have testified that you only were involved, Mr. Haas, in retrieving data on one that you are aware of.

Mr. HAAS. That's correct. I have never received a request to look for anything but Monica Lewinsky.

Mr. MICA. Did you, Ms. Lambuth, ask anyone else to look for any of these, or were they all on the fix mission and only Mr. Haas on the find mission?

Ms. LAMBUTH. Mr. Haas was on the find mission, but Bob had stated a few minutes ago—and if I recall directly—there were four other names that were given that we were supposed to find some information on, including go into their mailboxes to find some information on Monica, and one of those was Betty Currie.

Mr. MICA. OK. That's agreed on. But here we have the different folks asking for information. Were you just involved in fixing and nobody else beside Mr. Haas in finding anything?

Ms. LAMBUTH. Mr. Haas—on this technical team that was involved with this, Mr. Haas was the correct person to do the find. He is—he was the Notes.

Mr. MICA. So the only thing that you were doing, Mr. Haas, then—these requests were coming from us, and you only—

Mr. HAAS. No, sir. No, sir. You're misunderstanding this. During the beginning of the event, when we discovered an error, short on, they asked us—someone asked Betty to ask me to look in this specific place for these specific files, which was the Monica Lewinsky. I found that and I've done no other searches. I've received no other request to do any searches, even to this day.

Mr. MICA. For anything else—Filegate—

Mr. HAAS. Other than my own, personal searches of my mail file that we do receive through the mail. But I've never been asked to go back through anything else other than my file as part of this project.

Mr. MICA. What happened to the request?

Ms. LAMBUTH. I don't remember it that way. I definitely remember the Monica Lewinsky request for searches, but I still believe

that there were other requests for searches not too long after that period.

You know, we get about 20,000 mail messages, approximately 20,000 mail messages a day. That's a lot of mail messages.

Mr. MICA. So there may be—now, the body from 1996, from August 1996 to November 1998, there could be a huge body then of e-mails that we've never seen or been requested or gone after?

Ms. LAMBUTH. That's correct.

Mr. MICA. Is that correct?

Mr. HAAS. That's correct.

Ms. LAMBUTH. Yes, that is correct.

Mr. MICA. Are we talking about thousands?

Ms. LAMBUTH. Hundreds of thousands.

Mr. HAAS. Nobody has ever counted them. We don't know.

Mr. MICA. But you were able to go by hand and get some things that were specifically requested, so there is a capability of going back to those records. Are those records still some place where somebody could go get them?

Mr. HAAS. We don't know that, sir. They're on—we suspect they are on tapes. The tapes have not been loaded and verified to see that those files still exist. But understand what you're going to get in a given tape is the data that existed that moment.

Mr. MICA. But again, that body, that huge body, there's only a small number of requests that were complied with that you are testifying to. There could be this huge volume in that timeframe, right, August 1996, to 1998.

Now, after 1998, we're—well, after 1998, I guess, November 1998, it didn't matter.

And I think Ms. Nolan has testified that there are 3,400 tapes or something in here. Is that where that information would be?

Mr. HAAS. I would suspect so.

Mr. MICA. And we think that that would have all the backup information. But it is possible to go back and get some of the things we requested, even if it had to be done, say, by hand?

Mr. HAAS. Yes.

Mr. MICA. But you could also take these tapes and key them for certain words and pull that information out, like we do on our computers now?

Mr. HAAS. One by one, by hand, yes. Sure.

Mr. MICA. Ms. Golas.

Ms. GOLAS. Yes. I think the thing that hasn't really been brought out is that the mail messages aren't individual files. OK? They are managed by Lotus Notes and they are in a data base, and each user has a data base of their own. So it's not as easy as just go executing a search.

Mr. MICA. So do we have two bodies? We have all of these tapes, and then we have on individuals, too, or are they combined?

Ms. GOLAS. Each individual's mail file, mail data base, is on the tape as a file.

Mr. MICA. Yes. And you would think that would be complete? They didn't have the ability to delete them, or they did have—

Mr. HAAS. They did before it was backed up.

Mr. MICA. So there may be a huge body, and then there may be a body of sort of missing—

Mr. BARR [presiding]. The gentleman's time has expired.

Mr. MICA. Thank you.

Mr. BARR. Thank you.

The Chair recognizes the Congressman from California for 5 minutes.

Mr. HORN. I thank the gentleman.

I think I am on the same task that Mr. Mica has been asking you. Let me get it in another way.

Are the 500 people in the White House, OMB, etc., are they all connected with your particular servers and all; is that correct? Mr. Haas, let me ask you that.

Mr. HAAS. Yes, sir. It is not OMB, first of all, it is—OMB is on a second server.

Mr. HORN. Executive Office of the President, then.

Mr. HAAS. Well, we have five servers, and different organizations are spread across those five servers. We're mainly talking about the Mail2 server at this point.

Mr. HORN. Now, let's just take one person that is in the e-mail thing. Now, how much of a memory do they have in their particular computer, or do you have the memory storage capacity?

Mr. HAAS. We have the grand total memory storage, which is shared among all users on the server, and it is totally uncontrolled. We have recently had people that exceeded a 1 gigabyte mail file just for their personal mail file, and it has caused us great problem. The White House has decided not to restrict the mail space.

Mr. HORN. So you're telling me that a person that has the e-mail capacity through your program, they have how much memory, if any?

Mr. HAAS. They get it—everything they want. At the time that this server was put up, I think we had 14 gigabytes total, and now we're somewhere in the neighborhood of 100 gigabytes of total disk space on Mail2, and it is up in the high end of the 80 percent full range.

Mr. HORN. Well, do we know and do you have a general idea as to how much memory each person has and how much memory do they have in a file under your control?

Mr. HAAS. I have no clue what they have, themselves, on their personal machine, but on the computer—on the printout that I submitted from that that they have in here as testimony, there is basically a report that tells you how many messages they have in there, but it doesn't tell you in disk space size how big it is.

Mr. HORN. Now, do we know on your system, the way it is constructed, the degree to which you need a backup tape every night? I'm from California. I'm used to earthquakes shaking computers.

Mr. HAAS. The Lotus Notes system and the backup tape system that is used on it aren't totally compatible, so in that extent every time you run a backup on the mail system you get a complete backup. There is no such thing as—if you are familiar with the term "incremental backup," an incremental nightly backup of a mail system is everything on that mail system.

Mr. HORN. Right.

Mr. HAAS. And they were scheduled to be run every day, from what I understand from the server group that does that. Problems

came about with tape drives being bad and all that, so there are gaps in there, but I don't have direct knowledge of that.

Mr. HORN. Now, if they had a file in your system, would that be backed up in the evening before they go home?

Mr. HAAS. Yes, sir. No. Before they go home? No, sir. They're backed up—it usually takes almost a 24-hour cycle to back the whole server up, so they're going on during the day, during the night. Depends on what time of day the backup system got to your particular mail file.

Mr. HORN. OK. But that is basically your process, to have a backup system and to run it, what, every 24 hours?

Mr. HAAS. It's not my process, but it is an established process at the EOP to back up the mail servers every night, and my understanding is if they can be done in a 24-hour cycle, they will be done.

Mr. HORN. Now, Presidents usually like to build a Presidential library. To your knowledge, has the President said, "Hey, I want all of these things maintained?" This could be way before any of Travelgate, what not. But wouldn't they be saying, "I'd like to see documents save, whether they be electronic or written?" Do you have that capacity?

Mr. HAAS. My understanding is that backup tapes are not used for that purpose at the White House; that the ARMS records are the record for the Presidential library, and that these tape backups—the whole tape backup scenario is only there for catastrophic failure of hardware. It has nothing to do with NARA and Presidential libraries or anything else. It is there for recovery of a disaster.

Mr. HORN. Well, OK. Say you had real problems in the electrical system in Washington, DC. Is the only thing you have those tapes that you run systematically, or do you have them in a cave somewhere, which is what a lot of corporations do?

Mr. HAAS. I don't know. We don't take—none of us at this table administer that system. It's done by what we call the "server group" at the EOP, but they're not in a cave, to my understanding. I believe they are either in the basement of our building or that they are stored at an offsite site that is considered safe by standards.

Mr. HORN. Could a White House member scrub all of their files if they had the key of access to the file in your particular contract?

Mr. HAAS. Any mail user on our system can go in and delete their entire mail file at will any time, day or night.

Mr. HORN. Now, what happens to that file? Say they delete it and they go and they have retired and they want to do something else. Can a new party take in a specified file, or is that too massive to identify?

Mr. HAAS. Are you talking about where a person replaces another person in their job?

Mr. HORN. I'm saying one person decides to get out of there. They don't want to see that system again, and they can take their file with them, and——

Mr. HAAS. No, sir. We don't allow that. We have no way to transport it.

Mr. HORN. Well, they could, you know, run a paper printout on their files.

Mr. HAAS. Yes, they're entitled to.

Mr. HORN. But I'm wondering, in the space of your computer operation, the next morning somebody is hired could they take that amount of space at all?

Mr. HAAS. No, sir. Typically, there is a departure slip filled out by the person leaving the agency, for whatever reason. It goes through the normal processes and it is submitted to the security group to delete the account when they get to it. Sometimes they delete the account in a day, sometimes it sits out there for 6 months before it gets deleted, and only then—it takes 24 hours after that before that space becomes available again.

Ms. LAMBUTH. Could I point—

Mr. HORN. Could that—as I understand it, the—

Mr. BURTON [presiding]. Mr. Horn, your time has expired. We'll have one more round here.

Ms. LAMBUTH. Could I add something to some known missing backup tapes?

Mr. BURTON. Sure.

Ms. LAMBUTH. Shortly after Project X was made known as far as we discovered the problem, we were told—I was told—and I did confirm by going back and looking at tapes—that there were 6 months of backup tapes that had been overwritten by some previous backup processes.

Mr. BURTON. Explain why that was done real quickly.

Ms. LAMBUTH. I don't know why it was done, but there was a 6-month period of time in 1997 of backup tapes that were overwritten, and I believe that those dates were from June or July 1997 to November 1997. Those backup tapes were overwritten.

The other thing that the committee might want to be aware of is that there is a very short shelf life. When I'm saying "short shelf life" on tapes, I'm talking a couple of years—2, 2½ years of shelf life on tapes before they start to disintegrate. So that needs to be known, also.

Mr. HORN. Mr. Chairman, I think that dialog shows that the FBI does—and I know it has the capability to find out what was on the previous tape, and it seems to me if you can find some of the tapes there they could be gone through.

Mr. BURTON. We will pursue that. We'll see if those tapes can be looked at, even though they have been overwritten.

Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

Going back, Mr. Barry, to the incident report dated January 30, 1998—and I would ask unanimous consent to have that made a part of the record, Mr. Chairman.

Mr. BURTON. What?

Mr. BARR. I'd ask unanimous consent to have the document handwritten at the bottom, which was delivered to me by Mr. Barry just a little bit ago, dated January 30, 1998, 2:59 p.m., be made a part of the record.

Mr. BURTON. Without objection.

[The information referred to follows:]

During the production of documents in response to the latest E-mail search request from WHO counsel I noticed a potential problem with the capture of E-mail traffic coming into the EOP Lotus NOTES system from the Internet.

I performed a search of the OA ARMS bucket and produced 3 E-mail records dated Dec 9 1997 all from EOPUSER 1 to INTERNETUSER 1. Where EOPUSER 1 represents a particular Lotus NOTES E-mail user within the EOP complex and INTERNETUSER 1 represents a particular external user outside the EOP complex.

From the content of the E-mail it was clear that during the course of the day there had been an exchange of E-mail both to and from each of the 2 people, however my E-mail search did not reveal the incoming messages from INTERNETUSER 1.

I performed the search of the E-mail OA bucket for December several times looking for the inbound messages but could not find them. I also performed the search of the DEFAULT bucket which is where mail goes of it cannot be determined to what agency an addressee belongs but I failed to find the inbound mail.

I then had Mr Spriggs (The E-mail administrator) pull the log of the FIREWALL system for Dec 9 and search it for both addresses i.e. EOPUSER1 and INTERNETUSER 1.

This log showed a trail consisting of 7 outbound e-mail messages from EOPUSER1 to INTERNETUSER1 and 6 incoming messages from INTERNETUSER1 to EOPUSER1 for that day.

I then pulled the backup of the ARMS buckets from DEC 13 and restored it back to the system to see if I could find any of the 10 messages (13 - the 3 that were found as a result of the search) under the suspicion that the 10 messages that were not found by the search had been tagged as NON record and therefore would have been deleted by the ARMS system once they had been monitored and aged 3 weeks.

From a search of this backup tape I was able to find all 7 outbound E-mail messages (The 3 that were found by the original search and 4 that were tagged as NON record by the creator, EOPUSER1) and were therefore deleted.

I was still unable to find any of the 6 outbound messages from that day.

I have asked for information regarding backups of the Lotus Notes E-mail servers and want to check the RECORDS_MANAGEMENT user on the NOTES side to see if we can figure out what happened.

It is still not clear where the messages got lost. We know the inbound messages got to the firewall, We are fairly sure that the messages got to EOPUSER1's mail account and we know these messages did not get to the ARMS system. We are not sure where the problem lies at this point.

It is very difficult to determine if this is an isolated incident that occurred only on this day for this user or whether it is a systemic problem that is and has been occurring all along but has remained undetected.

There are plenty of other inbound messages from INTERNETUSER1 that did make it to the ARMS system.

C:\work\A Problem modified

1/30/98

2:59 PM.

Mr. BARR. Now, I believe you testified, Mr. Barry, that this report you sent to Mr. Wright?

Mr. BARRY. Yes, sir.

Mr. BARR. And OA?

Mr. BARRY. Yes, sir.

Mr. BARR. OK. And that was in late January 1998?

Mr. BARRY. Actually, the date that is on the document is what's called a "modified date." I'm not sure exactly when it was created.

Mr. BARR. Approximately that time, though?

Mr. BARRY. Approximately, yes.

Mr. BARR. OK. In early 1998?

Mr. BARRY. Yes.

Mr. BARR. There is another document here that was sent over—and maybe, Mr. Young, you can tell us what this document is. White House—W3, exhibit No. 7, talking points. Who prepared those talking points dated March 7, 2000?

[Exhibit 7 follows:]

DRAFT 3/7/2000 2:32 PM
PRIVILEGED AND CONFIDENTIAL

Talking Points
March 7, 2000
E-mails

Technical Errors

- Q: Did the White House fail to comply with subpoena requests by hiding relevant information from the independent counsel's office and two congressional committees?
- A: No. We make a good faith effort to comply with the hundreds of subpoena requests we've received. We've worked with many investigative bodies to provide them with the information they need. And as the American public knows, we've spent a huge amount of time and money doing that.
- Q: Why weren't these e-mails searched?
- A: We can't say for sure that they weren't searched.
- Q: Then what happened?
- A: Incoming e-mails to certain individual users weren't recorded in the ^{Central} system that we search when we respond to subpoena requests. ~~They weren't~~
- Q: Why?
- A: Because of two technical errors.
- Q: What happened?
- A: At two different times, Northrop-Grumman, an outside private contractor, miscoded certain users on the server. Because of these errors, the incoming e-mails sent to them weren't recorded in "ARMS," which is where computer records are stored and searched.

[ADD BACKGROUND DETAILS?]

- Q: What kinds of e-mails were affected?



E 3387

A: First of all, no documents of any kind created by EOP personnel were affected. Only incoming e-mails to certain White House Office personnel weren't recorded.

[Background: If the White House Office recipient forwarded the e-mail to someone else, then it would have been recorded. Also, if the White House Office recipient replied attaching the original incoming e-mail, it would have been recorded.]

Q: How many individuals were affected?

A: The first error affected 526 individual users, mostly White House Office personnel. The second error affected about 200 ^{X EOP /} users, all whose first names begin with the letter "D." ✓

[ADD BACKGROUND DETAILS?]

Q: What time period?

A: The first error affected only incoming e-mails from August 1996 to November 1998. The second error affected only incoming e-mails from November 1998 to May 1999.

Affect on Searches to Respond to Subpoena Requests

Q: So, have these problems affected your searches for information in response to subpoena requests?

A: Well, we know that they haven't affected any e-mails or documents created by White House personnel. We do know, however, that because of these errors, incoming e-mails to certain users weren't stored in ARMS for a certain time period. We are still trying to see if these errors had any effect on the searches that we ^{conducted} did to respond to subpoena requests. _{to}

Q: But if you didn't search these e-mails, you haven't really complied with all subpoena requests?

A: That isn't really accurate. When we search for responsive materials, in addition to the ARMS search, all individual users are told to search their own computer records. So, a search should have covered everything on the server at that time, including any undeleted incoming e-mails.

Q: What if they were deleted before the search of the server?

A: Then it would be the same as someone tossing out a piece paper they didn't need anymore.

Q: Did you search the server to see if they're still there?

A: As we've told congressional committees and independent counsel, the server can only be searched manually, and we don't have the time or the funds to perform manual searches for every subpoena request. ?

Q: If they're not on the server, are they lost forever?

A: Not necessarily. Several times a day, a backup tape is made of the server. So, incoming e-mails that were on the server when a backup tape was made should still be on that tape. Also, when IS&T also made additional backup tapes of the server in November 1998 and May 1999 to preserve any affected incoming e-mails. ?

Restoration of E-mails

Q: So, has anyone ever reviewed those e-mails?

A: No one has reviewed all of these e-mails.

Q: Why not?

A: We'd have to manually search all of the backup tapes, and we don't have the funds or time to do it.

Q: But what about the allegation that these e-mails contain information relevant to the Lewinsky, campaign finance, and other investigations?

A: As I said, we haven't reviewed the backup tapes, so we don't know if any new responsive information is on them.

Q: Do you know how many affected e-mails are on these tapes?

A: Again, we don't know how many e-mails were affected because we haven't searched the backup tapes.

Q: Are you going to redo all of these searches?

A: Remember, we only search ARMS, not the server or the backup tapes. Redoing those searches of ARMS will produce nothing new for that time period because ARMS didn't record the incoming e-mails in the first place.

Q: How about searching the backup tapes?

A: The backup tapes can't be searched using keywords, which is how we search ARMS.

Q: Is there any way to make the backup tapes searchable?

A: Back in 1998, OA asked Northrop-Grumman for an estimate just to study the problem. Northrop-Grumman said it would cost \$600,000. At that time, OA did not have the funds to do it. Also, OA's resources were focused on addressing possible Y2K problems.

Q: Did OA ever get an estimate for what it would cost to restore all the incoming e-mails?

A: It would cost about \$1.5 million and [TIME PERIOD] to inventory and catalogue all of the files on backup tapes. It would then cost another \$8-9 million to restore the e-mails so that they can be searched by keywords.

It would cost about \$500,000 and [TIME PERIOD] to inventory and catalogue the files on the backup tape of all affected White House Office users. Then, it would cost about \$1.5 million and at least a year to reconstruct the e-mails so that they can be searched by keywords.

[CONFIRM NUMBERS]

But even then, these searches may not produce any responsive information that has not already been produced by the White House or by the entity or person that sent the incoming e-mail.

Allegation of Threats

Q: Is it true that N-G employees were told that there was "a jail cell with their name on it" if they disclosed this problem to anyone?

A: We haven't found anything to support this allegation.

Q: What about allegations that N-G employees would lose their jobs if they said anything about it?

A: Again, our review hasn't shown that these kinds of threats were made. Besides, OA does not have the authority to fire employees of an outside contractor.

Q: Was anyone trying to keep it a secret?

A: No one was trying to keep it a secret. But until Office of Administration (OA) personnel fully understood the problem and notified White House senior staff, they did not want people working on it to talk to other people about it. In fact, there is an official memo from the Virginia Apuzzo, head of OA, to John Podesta, Chief of Staff, notifying him of the problem within days of her learning about it.

Discovery and Notification to White House Office

- Q: When did people find out about these errors?
- A: The first error was discovered in June 1998.
- Q: Who discovered it?
- A: Northrop-Grumman people who were performing routine maintenance of the server.
- Q: How did they find out about it?
- A: When they looked at the server, they realized that there were incoming e-mails that had not been recorded.
- Q: What did they do?
- A: They told IS&T personnel, who told OA personnel.
- Q: Were people within the White House Office ever notified about this problem?
- A: Yes. Within a couple of days after OA became aware of the error, Virginia Apuzzo, head of OA sent a memo to Chief of Staff John Podesta explaining the technical nature of the problem. That memo was also copied to then-Counsel to the President Charles Ruff. Mark Lindsay, then-OA General Counsel and acting OA Chief of Staff, also met with Mr. Ruff and told him what he knew about the problem at that time.
- Q: What did they do about it?
- A: This problem came to the Counsel's Office attention during the Lewinsky investigation, so it focused on finding out if the problem affected the Lewinsky-related searches. IS&T checked this by performing a limited manual search of the server to see if there were any new materials.
- Q: What did they find?
- A: The e-mails were duplicates of ones that had been produced before.
- Q: What about other searches?
- A: The Counsel's Office understood that the problem existed in the context of the Lewinsky investigation, and not affecting previous or future searches.

Mr. YOUNG. Are you asking me to testify, Congressman?

Mr. BARR. Yes, sir.

Mr. YOUNG. I have no idea.

Mr. BARR. You have no idea?

Mr. YOUNG. No idea, sir.

Mr. BARR. According, Mr. Barry, to White House exhibit No. 7, on page 5, by this apparently unknown author, there is a question posed to an unnamed recipient: "Were people within the White House office ever notified about this problem?" Answer: "Yes, within a couple of days after OA became aware of the error, Virginia Apuzzo, head of OA, sent a memo to Chief of Staff John Podesta."

Obviously, at least some people in OA—we don't know who—were aware of it before then, because the memo that is referred to by this unknown author to an unknown recipient, for which Mr. Young professes no knowledge whatsoever, even though he is from OA, is dated June 19, 1998, White House exhibits 3 and 4.

[Exhibits 3 and 4 follow:]

THE WHITE HOUSE
WASHINGTON

June 19, 1998

Clued - 1/19.
I sent this
over to John
this afternoon.
Big

MEMORANDUM FOR JOHN D. PODESTA
ASSISTANT TO THE PRESIDENT AND
DEPUTY CHIEF OF STAFF

FROM: VIRGINIA M. APUZZO *[Signature]*
ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: Technical Anomaly in Automated
E-Mail Records Management System

The Automated Records Management System (ARMS) is an information technology system designed to provide a comprehensive archive of e-mail sent and/or received within the Executive Office of the President (EOP). The main utility of the system is to provide a central e-mail repository with search and retrieval capability which ensures proper record keeping. An important function the system supports is the identification and retrieval of documents in response to information requests. The system has been in operation since October 17, 1996.

This memorandum is to advise you of an anomaly in the system involving the Mail2 server, which primarily supports the day-to-day e-mail traffic of the White House Office (WHO) and the Office of Policy Development (OPD). In identifying which messages to save from Mail2, the ARMS system was designed to recognize user identifications with an electronic "stamp" which reads "Mail2". However, when user identifications for WHO and OPD were entered into the system, the majority were hand-keyed using all capital letters as "MAIL2". Because ARMS was not programmed to recognize the all capital version, messages in certain categories for these Mail2 users have not been captured by or transferred to ARMS. These omitted types of e-mail include:

- Incoming Internet e-mail
- Delivery Reports (confirmation notification messages)
- Non-delivery reports (failure delivery messages)
- Return receipts
- Return non-receipts (return receipt failures)
- Trace reports (e-mail routing information)



E 3373

For all other categories of e-mail, including outgoing Internet e-mail and e-mail between EOP users, the system appears to have functioned as intended. Thus, e-mails in these categories (other than those which were specifically identified by EOP senders as non-records) have been preserved.

The Office of Administration (OA) is working to identify a means to repair the problem, and to preserve as many previously uncaptured messages as possible. I will keep you informed of our progress.

THE WHITE HOUSE
WASHINGTON

June 19, 1998

MEMORANDUM FOR JOHN D. PODESTA
ASSISTANT TO THE PRESIDENT AND
DEPUTY CHIEF OF STAFF

FROM: VIRGINIA M. APUZZO *[Signature]*
ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

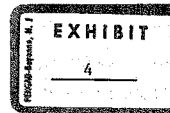
SUBJECT: Technical Anomaly in Automated
E-Mail Records Management System

G.W. H. J.
Please ask
man to
Brief me
on this
Thanks
John

The Automated Records Management System (ARMS) is an information technology system designed to provide a comprehensive archive of e-mail sent and/or received within the Executive Office of the President (EOP). The main utility of the system is to provide a central e-mail repository with search and retrieval capability which ensures proper record keeping. An important function the system supports is the identification and retrieval of documents in response to information requests. The system has been in operation since October 17, 1996.

This memorandum is to advise you of an anomaly in the system involving the Mail2 server, which primarily supports the day-to-day e-mail traffic of the White House Office (WHO) and the Office of Policy Development (OPD). In identifying which messages to save from Mail2, the ARMS system was designed to recognize user identifications with an electronic "stamp" which reads "Mail2". However, when user identifications for WHO and OPD were entered into the system, the majority were hand-keyed using all capital letters as "MAIL2". Because ARMS was not programmed to recognize the all capital version, messages in certain categories for these Mail2 users have not been captured by or transferred to ARMS. These omitted types of e-mail include:

Incoming Internet e-mail
Delivery Reports (confirmation notification messages)
Non-delivery reports (failure delivery messages)
Return receipts
Return non-receipts (return receipt failures)
Trace reports (e-mail routing information)



E 3375

For all other categories of e-mail, including outgoing Internet e-mail and e-mail between EOP users, the system appears to have functioned as intended. Thus, e-mails in these categories (other than those which were specifically identified by EOP senders as non-records) have been preserved.

The Office of Administration (OA) is working to identify a means to repair the problem, and to preserve as many previously uncaptured messages as possible. I will keep you informed of our progress.

Mr. YOUNG. I am familiar with that document.

Mr. BARR. Pardon?

Mr. YOUNG. That document I am familiar with, your question.

Mr. BARR. Hallelujah.

The White House did address this issue, at least to some extent, in June, some 5 months later.

What is also interesting is my information that just a few days before this memo on the record dated June 19th, which purports to address the problem, just a few days before that, on June 11th, there was, in fact, a message that instructed people to delete old, unneeded e-mails.

This, I think, if I might speak for some of the other Members here, is why one—highlights one aspect of this that is so disturbing to us. Even though OA was aware of this problem early in the year, very early in 1998, apparently, for some reason—and it might have to do with subpoenas that were being issued or the Office of Independent Counsel's work with regard to Ms. Lewinsky—and I think Mr. Souder was getting to this, also—the problem with deleting information and e-mails during this particular window in time where there is no backup.

On June 11th, White House people are directed to delete old, unneeded e-mails. Now, under certain circumstances, that might just be a coincidence, but it is very suspicious, because then, just a few days later, despite the fact that OA knew about this problem for many months, then they put something on the record purporting to say, "Hey, we have a problem and we ought to do something about it."

Does this strike you as odd, Ms. Lambuth, the timing of all of this?

Ms. LAMBUTH. Well, I think it is odd, but we were definitely running out of disk space, and I, personally, had gone to OA and, after talking with Bob and some other people, the fact that we were in critical way as far as space.

One thing that you've got to realize about a server is if it runs out of space you can't turn it off and bring it back up, because it is still out of space, so everything on that server is lost.

It did take some doing to get permission to send out the e-mail, and it was worked before Virginia would even allow the e-mail to be sent out.

If I remember correctly—I'm not sure it is on this one, but there were several that there were—when we would go in and finally were allowed to delete some mail messages for the people, would could only do it if it was prior to a particular date—I don't remember what any of those dates were—but we were in a critical situation.

If anything, I would say is, knowing what the situation for storage space was on the mail servers and knowing that there are no rules about people can only have a certain volume for storage for e-mail, that they can only keep so many e-mail messages, etc., that there should have probably been a little bit more done to secure additional servers or for storage space, because, again, if you run out of space you've lost everything and you won't be able to get it back.

Mr. BARR. Right. And, Mr. Haas, when did you do your search of the user names for e-mails from Monica Lewinsky?

Mr. HAAS. For the documents? That was—we started this project on, I guess, the 15th—12th to 15th, that timeframe, when we actually started working.

Mr. BARR. Of?

Mr. HAAS. June 1998. I'm sorry.

Mr. BARR. June.

Mr. HAAS. June 1998. I'm sorry.

Mr. BARR. June 1998, also?

Mr. HAAS. Yes. And I would guess it was probably 2 or 3 weeks into my work that they asked me to do it, so it was, what, somewhere around June 30th that I was asked—

Mr. BARR. Somebody wanted to find out what was there?

Mr. HAAS. Specifically, I guess. I mean, why—they came down with a request to look for these and look here, so—

Mr. BARR. Was it around the same time files were being told to be deleted.

Mr. WAXMAN. Regular order, Mr. Chairman. It seems like Members have 5 minutes and they ought to stay within it so we can give this panel a break and get on to the other two.

Mr. BARR. I think the record will reflect those dates that they're approximately the same time period.

Mr. BURTON. The gentleman's time has expired.

I have some time. If we need, I'll yield you my time.

Mr. Souder.

Mr. SOUDER. Mr. Chairman, I've had two rounds.

Mr. BURTON. All right. Do you have further questions? This is the third round. Do you have any further questions? If not, we'll—

Mr. SOUDER. Yes, I do have a couple of—

Mr. BURTON. OK. This is going to be the last round for this panel.

Mr. Souder.

Mr. SOUDER. I wanted to repeat just for the record, on the 525—I was going through the names—this includes Bruce [sic] Lindsay, Cheryl Mills, Betty Currie, Erskine Bowles, Doug Sosnik, Rahm Emanuel, Nancy Hernreich, John Podesta, Bruce Reid, Marsha Scott, Lanny Breuer, Sidney Blumenthal, Paul Begala, as well as the Presidential files. The 525 are not insignificant. We've dealt with these for the last number of years. In particular, we have been seeking information in 1996 to 1998.

I also was particularly disturbed about this backup system and trying to understand it. I'm sure we're going to debate that in the next couple of panels.

I also wanted to followup on one thing that was said earlier today that I didn't fully understand, and that is it seemed that the panel seemed to feel that the request by the White House counsel to let you look at the—to give him some time—maybe Mr. Hawkins could—well, you weren't directly involved. Let me ask Ms. Lambuth, and I think several of the others of you said that you felt the request was not unreasonable that they wanted some time. I know Mr. Spriggs said that.

Given the fact that—why would that not be unreasonable? In other words, why wouldn't that be immediately reported that there was a problem with the system? Why would you have felt that you

had to go to a park across the street or to Starbuck's anyway? I mean, if there's a problem with the system, who would you be hiding from?

Ms. LAMBUTH. I didn't feel that it was unusual, knowing the circumstances of all the subpoenas, for them to say, "OK, we acknowledge that there's a problem." As I said a few minutes ago, "Let's—give us some time to see how we want to approach telling the public that we have found these additional e-mails."

I've also reiterated several times throughout the day that to me, especially, it became very apparent that that was not what the intent was. The intent was to basically stall this whole process, to keep it from happening, because I couldn't get various things done, I couldn't get meetings when I requested meetings with the people that were supposed to be the only ones that could even give me direction on that.

Mr. SOUDER. So, as this time period drew out, you had doubts, but let me go back to the beginning. I still don't fully understand why you felt you couldn't discuss this on White House or in your work ground, why you had to go across the street.

Ms. LAMBUTH. Well, Sandy said it, Ms. Golas said it a little bit earlier. We really had no space in which to work. We had none of the equipment that we really needed to do this, even though we had given them specs.

Mr. SOUDER. Wait a second. I'm sorry. I need to followup. You're saying that there was more space at a Starbuck's and across the street in LaFayette Park than in the White House? I mean, this isn't plausible. I mean, people are watching on TV. They're going to watch the C-SPAN of this, and you're saying that in the entire White House and Executive Office Building they don't have a room that you could go to, but that you could get a table at Starbuck's or a space in a public park out there that you couldn't get in the White House? That's just not plausible.

Ms. LAMBUTH. It had been stated before that we often went to a very large room on the second floor and had meetings, but it was also stated that that was inside of the smoking area and people would stand outside the windows and watch.

Most of you—if you've ever been to the new Executive Office Building where our offices were, the walls are very thin, and anybody can be standing outside the door and hear what's going on, and we were specifically told that nobody else was supposed to know about this information, and so we thought, for confidentiality, that we couldn't go into my office. People stood—could stand outside the door. It was also a very small office. John and Sandy's office was a thoroughfare for people cutting from one hall to the other hall, even when the doors were closed.

Mr. SOUDER. I mean, it wasn't that you couldn't find space somewhere in these big Federal buildings?

Ms. LAMBUTH. It was for security more than not finding space.

Mr. SOUDER. And so that you were afraid of who seeing you in the White House? See, that's what is hard—

Ms. LAMBUTH. It wasn't who seeing us, it was who was going to hear this. We had been—

Mr. SOUDER. Who were you afraid in the White House would hear you? In other words, if what you're doing is just trying to fix

the system, what White House personnel or Executive Office personnel would you be afraid of hearing you?

Ms. LAMBUTH. If we were talking about specific mail records that were lost, and somebody says something to a friend of theirs over a beer that night, "Oh, I heard today that there are other additional—" and that leaks to the paper, then that comes back to us that we leaked this information. We had been threatened. If we leaked any information, we would lose our jobs, we would be arrested, and we would go to jail. It was a very legitimate concern on our part.

Mr. BURTON. The gentleman's time has expired.

Mr. Mica.

Mr. MICA. Thank you, Mr. Chairman.

When I ended my questioning, it appeared that we have basically hundreds of thousands of e-mails that are somewhere and have never been seen. We have the possibility of individual user files that could have information or could have had information deleted. Is that correct?

Ms. LAMBUTH. Again, I mentioned we get in excess of 20,000 e-mails a day, so over that period of time, even calculating roughly, it is over 100,000 e-mail messages.

Mr. MICA. My concern also is that, of course, some of these records were under subpoena, and you're saying you felt that this was being stalled to provide the information. You all sort of were told in secret to—I mean, to be secretive about this, not discuss what's going on.

You have Mr. Hawkins, who is the contractor responsible for the billing and all, wondering if these folks are off the reservation. It could be embarrassing to—it could have been very embarrassing to your company to have—well, you were trying to make certain that they were on the reservation and complying with the contract, right?

Mr. HAWKINS. Yes, sir.

Mr. MICA. OK. It could have been very embarrassing to Northrop Grumman if the public knew what they might have been involved in. But you did—at some point, you did seem to find out what they were involved in, didn't you?

Mr. HAWKINS. Yes, I did.

Mr. MICA. You did. Even though it was secret?

Mr. HAWKINS. Well, I made that point when I met with Mr. Lindsay. He told me he wanted to keep this a secret, and I said, "Some secret we've got here, with about 10 people I knew had it."

Mr. MICA. But you were also sort of cutoff by Mr. Lindsay when he told—you didn't go back to Mr. Lindsay after your conversations; is that correct?

Mr. HAWKINS. No, sir. I had the proper counsel working it.

Mr. MICA. Well, we may never know what we didn't get in this. Some of it was to fix the problem, some of it was to find, but it appears that we only found a limited amount.

Last Friday, the committee received a letter from the White House counsel, Beth Nolan, in which she wrote, "There was a new, unexplained problem with the e-mail in the Office of the Vice President," and that's exhibit GR-2, page 6, second paragraph.

It just says that, "In the course of gathering these preliminary facts—" I'll read it—"concerning the configuration error, we were informed this week that the e-mails on the server of the Office of the Vice President have not been fully managed by ARMS. We are still in the process of determining the scope and time period involved. The Office of Vice President does maintain backup tapes of its server."

So now it appears that there is also a problem in the Vice President's office. Are you aware of this?

[Exhibit GR-2 follows:]

THE WHITE HOUSE
WASHINGTON

March 17, 2000

BY FACSIMILE AND U.S. MAIL

The Honorable Dan Burton
Chairman, Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Burton:

Pursuant to my March 10, 2000 letter to you, I am writing to provide you with a response to your request for information concerning e-mail records related to the Committee's subpoenas in the campaign finance, FALN, and Waco matters.

As you are aware, recent press reports have described certain configuration errors associated with the management system used for e-mail records within the White House and the Executive Office of the President (collectively "EOP"). Since I became aware of the nature of this matter, my staff and I have been working diligently to understand its scope and effect. Over the past several weeks, my staff has addressed with your staff the Committee's request for information about the general nature of these computer errors and the Committee's request for interviews of current and former EOP staff. I now want to provide you with more details about this issue and its effect, if any, on the Committee's subpoena requests. Of course, we are continuing to review this matter and may need to amplify or modify our findings as we gather more information.

I. Automated Records Management System

A. Searches for E-mail Records

Before explaining the nature of the configuration errors affecting certain incoming e-mail records being captured by the Automated Records Management System (ARMS), I want to describe briefly how the Office of Administration's (OA) computer records management system for the EOP is designed to work for e-mail records. Whenever an e-mail is sent to or from a user within the EOP, that e-mail is sent directly to a server, where the recipient can read it. The e-mail does not technically reside on the individual user's personal computer (PC), but on the server. As long as the user retains the e-mail on her PC, it remains on the server. Accordingly, as you know, while individuals are instructed to search their own PCs in response to a subpoena request, a redundant search of the server is not conducted. Conversely, by deleting an e-mail, the



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user deletes it from the server as well as the PC. Because many individual users delete e-mail daily (and indeed users must delete some e-mails because the server does not have the capacity to hold all e-mails), the server is not a complete and accurate repository of e-mails sent to and from the EOP.

ARMS is a management system that was installed following the Armstrong case. It is designed to capture e-mail records sent from or to EOP user accounts that it manages ("ARMS-managed accounts"). ARMS is the first keyword searchable e-mail records archive maintained by the EOP.

E-mails generated by ARMS-managed accounts are automatically recorded by ARMS as they are sent by the user. In addition, several times a minute, generally, ARMS scans the server and captures unrecorded e-mails residing on the server at the moment of scanning. To avoid repeatedly scanning an e-mail that continues to reside on the server over a period of time, once ARMS records an e-mail, it is coded so that ARMS will not needlessly scan it again.

As then-Counsel to the President Charles Ruff explained in his September 11, 1997 letter to you, we notified your staff in the Spring of 1997 that ARMS was put in place in July 1994 and has managed e-mail records for most EOP offices since that time. (10/21/97 Letter from White House Counsel Charles Ruff to The Honorable Dan Burton). Mr. Ruff further explained that ARMS also manages reconstructed e-mail records for the period January 1993 through July 1994. (*Id.*). The e-mails were loaded into ARMS by Information Systems and Technology (IS&T) personnel within OA beginning in July 1994 -- a process that was completed some time in mid-1999. Until reconstruction was completed, only limited e-mail records were searchable for the pre-July 1994 period. (*Id.*).

In response to a subpoena request, the individuals within the relevant EOP offices are instructed to search for responsive materials in any form. The head of each EOP office is instructed to certify that the individuals within the office have conducted a search of their files and the office's files, and have provided any potentially responsive materials to the White House Counsel's Office. As a complement to these individual searches, a computerized search of ARMS is performed at our direction by IS&T personnel. (See 9/11/97 letter from White House Counsel Charles Ruff to The Honorable Dan Burton). IS&T staff work with White House Counsel's Office staff to identify keyword terms to use in searching ARMS for responsive materials. As we have previously explained to your staff, because we use search terms, we cannot guarantee that every responsive e-mail is located. Nevertheless, we usually err on the side of using broad search terms, which sometimes yield large amounts of nonresponsive materials.

These computerized searches are extremely time-consuming and costly. For example, a search can take several days to complete, depending upon the number of offices and time period covered. Once a search is complete, it can take up to several days to print the search results. In addition, our staff must manually review the printed search results for responsiveness. Indeed,

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on many occasions our staff has waded through thousands of pages of nonresponsive materials to locate the few responsive ones.

The only other electronic records of the server consist of tapes made periodically when the server is "backed up." Backup tapes are not created or saved for archival purposes, are not a part of ARMS, and are not searchable, absent reconstruction and transfer to ARMS, using general keyword terms. For these reasons, the EOP does not search backup tapes when responding to subpoena requests. These tapes are created solely for recovery in the event of a system "crash" to allow IS&T personnel to recover certain files. They are created generally daily, and take a "snapshot" of whatever exists on the server at the current time. For example, if an e-mail were sent to an EOP user and then deleted between backups, it would not be captured on a backup tape. At times when there has been a shortage of backup tapes, they have been reused. Backup tapes are thus an inaccurate and incomplete compilation of what is on the system and serve as a last resort only in cases of a catastrophic system failure. As noted below, I am also informed that reconstruction of files from backup tapes is a costly and time-consuming endeavor.

B. Configuration Errors Affecting ARMS

ARMS, like all computer records management systems, is susceptible to problems, software programming errors, and "glitches" that are not easily detectable. Even when they are discovered, however, the nature, scope, and cause of the problems, as well as their effect on the system and users, may be difficult to ascertain.

Although we have always understood that ARMS is designed to record all e-mails sent through the EOP e-mail network (currently the Lotus Notes system), two separate configuration errors have occurred which prevented certain incoming e-mails sent to ARMS-managed accounts from being recorded in ARMS for a period of time. The first error occurred in August 1996, when IS&T was performing routine maintenance to improve the system's performance. As part of the process, individual user accounts within the White House Office (WHO), and some accounts within OA and the Office of Policy Development (OPD), were moved to a new server, called "Mail2." During this process, some of these users were apparently mistakenly coded by computer technicians as being on "MAIL2," using all upper case letters, instead of "Mail2." The ARMS scanning process is case sensitive when identifying servers and did not recognize "MAIL2." Because ARMS did not recognize "MAIL2," the ARMS scanning process did not capture incoming e-mails (*i.e.*, e-mails sent from non-managed ARMS accounts to ARMS-managed accounts) for these affected ARMS-managed accounts.

In January 1998, Daniel Barry, IS&T Records Projects Computer Specialist, was performing a keyword search of ARMS in response to a subpoena request and noticed a possible anomaly within ARMS. Mr. Barry found that on a particular day there were outgoing e-mails from an EOP user who seemed to be exchanging e-mails with an outside user, but there were no corresponding incoming e-mails. Thus, it appeared to him that some incoming e-mails might be missing from ARMS. Mr. Barry, with the assistance of John Spriggs, the IS&T e-mail contract

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administrator and an employee of outside contractor Northrop Grumman (N-G), examined the log of the FIREWALL system, through which e-mail created outside the EOP passes and is screened to ensure that messages do not include viruses. They determined that on the day in question, the EOP user had actually sent the outside user seven e-mails, while the outside user had sent the EOP user six incoming e-mails. At the time, Mr. Barry was unsure whether this was an isolated incident for this particular user on this particular day or whether it was a broader undetected systemic error. Indeed, minor glitches or "hiccups" are common to IS&T systems, as they are to all computer systems, and small pieces of data are often not easily retrievable as a result. Mr. Barry notified his superiors and documented his finding.

The full extent of the error causing the anomaly Mr. Barry noted was not discovered until June 1998, when on-site N-G employees discovered on the server certain incoming e-mail messages that were coded as "unrecorded" on the server, signifying that the ARMS scanning process was not picking up these messages. The contractor notified IS&T personnel. A group of employees was assembled to investigate and repair the problem.

By the fall of 1998, N-G technical personnel working with IS&T staff discovered that the problem was due to miscoding "Mail2" as "MAIL2." They further determined that the miscoding affected 526 ARMS-managed accounts from the following EOP offices:

1. WHO (464 accounts)
2. Office of Policy Development (58 accounts)
3. OA (4 accounts)

As a result, certain incoming e-mail that these 526 users had received since August 1996 had not been recorded by ARMS. As noted previously, the problem did not cover any e-mails generated by ARMS-managed accounts. Moreover, it would not have prevented a recording of the incoming e-mail if the affected EOP user forwarded it or replied to it "with history" (*i.e.*, sending back the original e-mail). Additionally, incoming e-mail messages maintained on individual users' PCs would also remain on the user's server space, and therefore would be subject to individual EOP user searches, as long as the individual recipient did not delete them.

By November 1998, the N-G and IS&T personnel had corrected the problem prospectively so that all future incoming e-mail to the 526 affected users would be stored in ARMS. Thus, this configuration error affected these ARMS-managed accounts for the period August 1996 through November 1998. IS&T personnel also created backup tapes of the server to preserve the unrecorded e-mail existing on it as of November 20, 1998. By backing up the entire server, IS&T also necessarily captured word processing documents, rolodex files, and recorded e-mail records that also existed on the server at that time. After the prospective correction, ARMS resumed managing incoming e-mails and the creation of backup tapes of the server continued.

As noted above, backup tapes are not in a readable or searchable format because they are not created for archival purposes. Thus, they cannot easily be reconstructed and placed on

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ARMS. Consequently, OA requested that N-G provide an estimate for studying the time and cost involved in restoring these e-mails to a readable format. In October 1998, N-G estimated that a feasibility study alone would cost about \$600,000. OA informs us that, concurrent with the preliminary assessment of the costs to study the problem, OA was faced with the massive task of Y2K compliance of its entire system, including its mail systems. This task consumed IS&T resources throughout the remainder of 1998 and 1999.

A second configuration error was discovered in April 1999, when N-G technical personnel were testing the process in which ARMS interacts with the Lotus Notes system. When user accounts are created, they are assigned to a particular "view." Each view represents a section of the alphabet (*e.g.*, ABC), and users are assigned to a view by the first letter of their first name (*e.g.*, Mary Jones would be in the view that contains the letter "M"). The ARMS "viewer" scans the server on a "view" by "view" basis.

During this testing process, the N-G computer specialists discovered that, in correcting the "MAIL2" programming error, another configuration error involving the ARMS "viewer" had been made. The letter "D" was inadvertently omitted from a view, and the letter "J" was included twice. As a result, incoming e-mail to ARMS-managed accounts with the first names beginning with the letter "D" had not been recorded by ARMS since November 1998. It appears that this error remained undetected until April 1999 because the additional "J" led technical personnel to believe that the views contained all 26 letters of the alphabet. In fact, that was not the case.

The effect of the "Letter D" error on the system was similar to the "MAIL2" error: Incoming e-mail sent to ARMS-managed accounts whose users' first names begin with the letter "D" were not stored in ARMS. E-mails generated by ARMS-managed accounts were not affected by the problem. Approximately 200 ARMS-managed accounts from the following offices within the EOP were affected:

1. White House Office (42 accounts)
2. Office of Policy Development (8 accounts)
3. Office of Management and Budget (54 accounts)
4. Council of Economic Advisers (1 account)
5. Council on Environmental Quality (4 accounts)
6. National Security Council (21 accounts)
7. Office of Administration (32 accounts)
8. Office of National Drug Control Policy (20 accounts)
9. Office of Science and Technology Policy (6 accounts)
10. White House Climate Change Task Force (3 accounts)

As with the "MAIL2" error, e-mail maintained on these affected users' PCs remained on the server until deleted by the user, but were not captured in ARMS.

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By May 1999, the N-G employees corrected this problem prospectively. Thus, the "Letter D" configuration error affected these ARMS-managed accounts from November 1998 to May 1999. As with the "MAIL2" error, a backup tape of the server was created on June 1, 1999 to preserve any unrecorded e-mail that existed on it at that time.

In the course of gathering these preliminary facts concerning these configuration errors, we were informed this week that e-mails on the server of the Office of the Vice President (OVP) have not been fully managed by ARMS. We are still in the process of determining the scope and time period involved. The OVP does maintain back-up tapes of its server.

Of course, numerous e-mails to and from OVP users have been produced to the Committee over the years, which is consistent with OVP staff having searched their PCs for e-mail residing on the servers or in their hard-copy files, and with the large number of OVP e-mails that were captured by searches of ARMS during unaffected periods. We are doing our best to determine how searches for e-mails responsive to the Committee's requests were affected by these facts. We will promptly provide the Committee with this information when we complete our review.

II. Effect of Configuration Errors on the Committee's Subpoena Requests

Recent reports have cited various global effects of these configuration errors and speculated about the contents of the affected incoming e-mails. Below are our preliminary findings with regard to the "MAIL2" and "Letter D" errors. As noted above, we will provide further information as soon as possible about the OVP accounts. Please note, also, that, given the technical issues involved, we may need to modify or amend these findings as our review proceeds.

A. Global Effects

1. These two configuration errors did not affect documents or e-mails created by ARMS-managed accounts. We understand that these two configuration errors did not affect e-mails from ARMS-managed accounts that were sent within or outside the EOP. The only e-mails affected by either configuration error described above were incoming e-mails. Moreover, if an affected user received an incoming e-mail and forwarded it or replied to it with history (sending back the original incoming e-mail) then ARMS would have recorded the incoming e-mail.

2. We do not know how many e-mails were affected. OA and IS&T personnel understand that no one has estimated the number of e-mails that were unrecorded. If such an estimate was made, it was not provided to the EOP. Currently, I am informed that there is no way to make this calculation unless the backup tapes are reconstructed.

3. We do not know if any responsive information is contained in the unrecorded e-mails. News reports state that the e-mails contain information relevant to various subpoenas. Again, we have not been informed that anyone had the opportunity to review the contents of

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these e-mails. Moreover, IS&T personnel currently cannot identify what kind of information is on the backup tapes because they have not been reconstructed. Without such restoration, we cannot know the contents of the unrecorded e-mails.

4. Affected incoming e-mail left on the server should have been captured by individual user searches. As you know, EOP staff are instructed to search their files, including computer records, for responsive information. Thus any incoming e-mails still on an individual's server space at the time a search was conducted should have been captured by individual user searches.

5. The "MAIL2" and "Letter D" anomalies were technical errors. As explained above, these configuration errors were the sole result of human mistakes and entirely unintentional.

B. Effect on the Committee's Subpoenas

Per your request, we have tried to determine what effect these errors had on the Committee's subpoenas related to campaign finance, FALN, and Waco matters. Please note that our preliminary findings are based upon our understanding of the Committee's subpoena requests, any agreed modifications to those requests, and the kind of e-mail search we performed to locate responsive material.

1. Campaign finance related subpoena requests. As your staff is aware, since the Committee's first subpoena in early 1997, our staffs negotiated a global December 31, 1996 cutoff date for all campaign finance related requests. Thus, incoming e-mails to the 526 affected ARMS-managed accounts for a five month period (August 1996 through December 1996) that were not forwarded or replied to with history would likely not have been captured by ARMS. E-mails remaining on an individual user's PC should have been captured.

2. FALN related subpoena requests. The search in response to the Committee's first subpoena covered the period January 20, 1993 through August 1999. The search in response to the Committee's second subpoena covered the period January 20, 1993 through November 10, 1999. Thus, these searches would have encompassed both time periods affected by the two configuration errors.

3. Waco related subpoena requests. On September 1, 1999, the Committee served a subpoena seeking materials related to the use of incendiary devices at the Branch Davidian compound. As you know, the relevant time period surrounding the Waco matter precedes August 1996, when the first configuration error occurred. Thus, we do not believe that these two errors would have affected a search of ARMS for e-mails responsive to this subpoena. Moreover, as our staff explained to your staff, we had recently conducted a broad search for Waco-related materials in response to a Court Order in the *Andrade v. Chojnacki* matter. Our staffs reached an accommodation whereby, in lieu of conducting another search that would likely encompass the same materials, we would produce to the Committee unsealed materials that were

The Honorable Dan Burton
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produced to the *Andrade* Court. On January 28, 2000, we provided you with a copy of these materials.

III. Current Efforts to Explore Possible Reconstruction of Affected E-mail

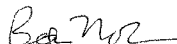
We are working diligently to determine whether it is possible to reconstruct the backup tapes so we can load the unrecorded e-mails on to ARMS and perform keyword searches. We currently have obtained the following estimate.

There are at least 3400 backup tapes of the server relating to e-mail. As stated above, they are an incomplete and inaccurate collection of EOP computer records. The preliminary cost estimate we have received to reconstruct these tapes so that the information they contain could be placed on ARMS and searched using keywords is between \$1.8 million and \$3.0 million. This process is estimated to take approximately one to two years.

The process may be performed in "batches"; *i.e.*, several backup tapes at a time. If reconstruction were possible, we would likely begin the process with the November 20, 1998 and June 1, 1999 backup tapes (approximately 15 tapes total). This process would entail extracting the unrecorded e-mails from the backup tapes and putting them on a server. Then, computer technicians would need to develop a program that would "de-duplicate" the unrecorded e-mails so that ARMS would not record identical e-mails (as stated above, ARMS is designed not to scan identical e-mail messages). This estimate does not, however, include possible restoration of the OVP backup tapes, as well as the time and funds needed to perform other steps in the process, such as awarding a competitive contract, searching ARMS, printing the search results, manually reviewing them, and producing responsive materials.

We are, of course, continuing to review this matter. As I learn more relevant information, we will keep your office informed. If you have any questions, please call me. In any event, I will call you next week.

Sincerely,



Beth Nolan
Counsel to the President

cc: The Honorable Henry Waxman

Ms. LAMBUTH. Yes.

Mr. MICA. You are?

Ms. LAMBUTH. Yes, I am.

Mr. MICA. Everyone else is aware of this?

Mr. HAAS. We're aware that they are doing something different with records management. We don't—aren't directly charged with records management of the OVP.

Mr. MICA. Now, if we wanted information from the Vice President's office, is there a possibility some of this could be missing? It says, "The Office of Vice President does maintain backup tapes of its server," so that's—everything is going to be there? would that be the case?

Mr. HAAS. You would have to contact the Vice President's office for that information.

Mr. MICA. You wouldn't know?

Mr. HAAS. I don't know.

Mr. MICA. Would anyone know if he has a similar system, or are we going to find another case in which there are documents not available?

Do you know anything about this, Mr. Spriggs?

Mr. SPRIGGS. Yes, sir, I do somewhat.

Mr. MICA. Could you explain?

Mr. SPRIGGS. The Office of the Vice President, when they deployed their Lotus Notes server, decided to employ a non-standard, if you would, non-EOP records management system using tape backups, and—

Mr. MICA. When was that?

Mr. SPRIGGS. That was as early as—my understanding, the server was created in 1994.

Mr. MICA. OK.

Mr. SPRIGGS. So their server predated the EOP OA servers. But at that point the records management system that they chose was, again, this tape backup methodology. Again, what they have on their side, on the OVP side, was not our concern for a number of years, up until—in March 1998, I was put on a project by Betty Lambuth specifically to move the Office of the Vice President's server, called OVP-underscore-1 into OA IS&T control facilities.

I worked with Ms. Crabtree and others to put together a plan to move that equipment into this OA space, and at that point, when we executed it at the end of March 1998, the server was turned on, the users were up and running on it. The question of records management apparently had not been resolved at that point.

We, OA, began to do the backup systems for the OVP-underscore-1 server, but at that point I'm not aware of any instructions to do records management by that same method for the OVP.

My understanding is that by July 1999, we were given instructions—Jim Wright gave instructions to actually start doing a 3-week cycle on the backups for all of our servers, which included the OVP-underscore-1 server, so that now we are on a 3-week cycle. Every 3 weeks they overwrite the existing tapes. And so if OVP is doing records management with tape backups, then they have a problem.

Mr. MICA. Thank you.

Mr. BURTON. The gentleman's time has expired.

Mr. Horn.

Mr. HORN. Thank you, Mr. Chairman.

I'd like to ask you, Ms. Lambuth, you said there were 20,000 e-mails a day. Now, was that limited strictly to the Executive Office of the President, or could outside parties within the Government or outside send e-mails into that system?

Ms. LAMBUTH. There were approximately—if I remember correctly, there were 20,000 or so e-mail messages that came in through e-mail each day. That was not limited to just within.

Mr. HORN. OK. You're saying that 20,000 could come from people, or was that put into a different e-mail system?

Ms. LAMBUTH. There were different e-mail systems that, for, like the President, people sending through the Internet, their Internet mail, what we called—well, the President, the Vice President, and the First Lady got e-mails from outside. That basically was—came through. The file was then sent over to their various offices, and then the files ran through, if I remember correctly, a WordPerfect process that allowed them to view and search those files.

Mr. HORN. In other words, those three categories—the President, the Vice President, the First Lady—had an e-mail system that didn't necessarily go through your system; is that correct?

Ms. LAMBUTH. The Internet mail did not go through that system.

Mr. HORN. Well, if they had—

Ms. LAMBUTH. If I remember correctly.

Mr. HORN [continuing]. Personal friends, I assume they gave a code to their personal friends as to how to reach them.

Ms. LAMBUTH. I can't answer to that.

Mr. HORN. OK. Well—

Ms. LAMBUTH. I don't know.

Mr. HORN. Let me ask you, on firewalls within the system, obviously, with hackers all over the world and the country and foreign governments, also, did you have protection to keep hackers from getting into the system?

Ms. LAMBUTH. Well, we had—yes, we did have a firewall. And I'm having to really think back about the structure of this. We had STORM, which basically helped keep certain types of e-mail messages from coming through, or numbers of e-mail messages coming through to shut the system down.

Sandy and John basically were the ones that handled this particular area and kept a close watch on it and were notified if there were problems with this.

Mr. HORN. I yield the rest of my time to the chairman.

Mr. BURTON. Thank you.

I just have one real quick question for Mr. Haas.

Ms. Hall did not have anything to do with Project X, as I understand it, so—

Mr. HAAS. Not at the beginning.

Mr. BURTON. So why did you go to Ms. Hall's office and talk to her about that?

Mr. HAAS. She was asking questions about it, and the direct line of—the 10 years I've worked there, the period of time she has been there, she has been, more or less, the top of my working food chain, if you will, and she was asking me about it, as I said, after we

made disclosure to the Northrop Grumman and were told we could now work on the project and talk to whoever we needed to talk to.

When she asked the questions, I assumed it was in an official capacity and I answered my questions to the best of my ability.

Mr. BURTON. So she asked you to come to her office and you answered the questions?

Mr. HAAS. Yes. I commonly stopped by there many times a day. It is right in line with what I normally do.

Mr. BURTON. OK. I'll yield to my counsel.

Mr. WILSON. You've been here a long day, so I'll be very, very brief. Thank you. I've spoken with most of you. You have been very cooperative. I greatly appreciate it. It has been a long day, so I'll try to get to resolve three things.

Mr. Barry, when we spoke—and you were very forthcoming. We appreciate that—you mentioned to us in January or February 1998 you had identified this anomaly in the Lewinsky e-mail traffic, and you suggested that you wrote a report, and we have just been furnished this.

Now, I wanted to ask you, do you know whether this document has been produced to the committee?

Mr. BARRY. All I know is I turned it over to counsel's office.

Mr. WILSON. OK. Now, I only ask this—we'll go back and check. We've checked three times now. And we're having a hearing today about failure to produce documents, and we sent a subpoena out last week. It was very, very clear. It wasn't broad. It said specifically, because you told us that you had this document, and you now knew where it was, we asked specifically for the incident report that you prepared that is this document, and it appears to us that, although documents have been produced to us by the White House, we have not received this copy.

I notice you were able to turn to your counsel and get a copy from him immediately, so if there's anything you can help us with this issue, to tell us whether you know anything about why this document wasn't produced to us—

Mr. BARRY. Like I said, I turned the document over to OA counsel. That's all I know. I don't know where it went from there.

Mr. WILSON. OK. We'll followup on that on our own time and just double check to—

Mr. BARR. Excuse me. Would counsel—I'd like to just note for the record that, contrary to all of the other documents that counsel has reviewed and we have had available, this document which I introduced into the record, because we just received it today, does not bear any of the identifying marks such as would indicate that we had received it.

Mr. YOUNG. None of my documents would, Congressman.

Mr. BURTON. Without objection, so ordered.

Mr. WILSON. The second thing I wanted to followup on was something that you said, Mr. Haas, and it relates to a letter we received from the White House at the end of last week. They explained to us—White House counsel explained to us in great depth that many of the e-mails from outside of the White House complex would have been reviewed or searched in other ways, and basically indicated that there probably wasn't much of a problem because many of the

e-mails that we're talking about today, these hundreds of thousands of e-mails, have actually been scrutinized.

One thing you said struck me as very important. You indicated that the e-mails that are on the personal computers of users in the White House don't stay there for a very long time. You said, I believe, 98 percent of the e-mails would not be reviewed if somebody were going back to—

Mr. HAAS. I think you've got—I think you misunderstood. There—98 percent of all the e-mails are on the mail server and were subject to the error of the glitch of not being recovered. Any person that had made a personal copy of their mail file, not—they don't move—there is never, ever any mail, "active mail," as I call it, on your computer. You are looking through a window using your computer at our server at all times.

If you choose to make a copy subsequent to looking at it, it is always delivered to the server. If you choose to make a copy down to your C drive and that is your local file and you choose not to search it under subpoena, that's your thing.

Mr. WILSON. That point I understand, but that takes the affirmative step of actually copying—

Mr. HAAS. Yes.

Mr. WILSON [continuing]. The e-mail to preserve it.

Mr. HAAS. Absolutely. It's—

Mr. WILSON. If you haven't taken that affirmative step, it is not going to stay forever on your computer, it will go away. So if somebody comes back 6 months later and asks you to search for a particular type of information—

Mr. HAAS. Not there.

Mr. WILSON [continuing]. It's not going to be there. So any representation given to us that all of these documents would have been searched in another way would only be correct if people were able to—had affirmatively copied all of the information and gone back and done the searches; is that correct?

Mr. HAAS. Or if they had actually done a mail search manually on the server of their mail file and then printed them off. Many other people I've talked to over the 10-years I've been there said, "We don't have to search our mail files. That's done for us. We search everything else.

Mr. WILSON. And just one last question.

Mr. Hawkins, if I could followup on something you said, we heard the story about how Ms. Lambuth and you have locked horns on a number of issues, and it became clear that she would not tell you what the scope of the problem was that people were working on, and you were dissatisfied with that; is that correct?

Mr. HAWKINS. Yes, I was.

Mr. WILSON. OK. Now, you said—and I'll read back the direct quote that you said—"that was the straw that broke the camel's back"; is that right?

Mr. HAWKINS. Absolutely.

Mr. WILSON. So I just wanted to establish one thing, and that is that Ms. Lambuth did have a personnel action taken vis-a-vis her remaining on the contract that you supervised; is that correct? She was removed?

Mr. HAWKINS. She was removed.

Mr. WILSON. Right. And so it seems that the position that she was put in, being sort of made not to tell people and her supervisors what was going on, actually had a relationship to what happened to her in her employment; is that correct?

Mr. HAWKINS. Let me characterize. I would suspect anyone that has got any experience in a management role on a Government contract, they understand compliance with that contract.

Numerous times during the employment history at EOP, Betty had to be counseled of stepping out of bounds, taking direction from the Government employee.

It is very, very clear in the EOP contract that they take directions from the COTR, which is given to the program manager. These were—many, many times in my staff meetings I had to continue to remind the employees there, because they lose sight from day to day. They get alliances with some of the Government employees.

Mr. WILSON. Right. I understand that, and I think you made that very clear. But in this case it does seem that it is clear Ms. Lambuth didn't inform you of the full scope of the problem and that did have a bearing on how you reacted to her, and it seems justifiably; is that correct?

Mr. HAWKINS. Had we not had any prior problems, that would not have been enough to have her removed from the contract, period. Plain and simple.

Mr. YOUNG. Mr. Wilson, I do believe that the document you referred to is—and I understand in documents you can lose sight of where they are—is “E” as in Edward, 2496. But thank you very much.

Mr. WILSON. OK. Thank you.

Ms. LAMBUTH. Could I say something?

Mr. WILSON. Mr. Chairman, I did want to make that very same point. So, if I might ask, E-2496 is identification of documents that were submitted to this committee?

Mr. YOUNG. I am told that that is the document to which Congressman Barr was referring. That is correct. That's my understanding.

Mr. BURTON. We'll let the record so show.

Mr. WILSON. Ms. Lambuth, do you want to conclude?

Ms. LAMBUTH. Yes. In my defense I would like to say this: I was often accused of aligning myself with one of the Government supervisors. In reality, that particular Government supervisor, Laura Crabtree, was the branch chief who I got—who had most of my projects. About 95 percent of the work that I did for EOP fell under her direction, and I basically was keeping her informed of processes that were being done, trying to allow her to know about issues so that she did not get broadsided, and she was giving me other direction as far as other things that they needed done or a particular project or why a project might slip. And it was only in the course of my work that I was, as was stated, so far—such as taking direction from a supervisor.

Mr. SOUDER. Mr. Chairman.

Mr. BURTON. Mr. Souder.

Mr. SOUDER. May I have unanimous consent to ask a brief questioning to Ms. Golas? It's something directly related that I may have misunderstood—

Mr. BURTON. Yes, briefly.

Mr. SOUDER [continuing]. To ask Mr. Lindsay.

You stated under questioning, I think, from Mr. LaTourette, that you had dealt with classified material before; therefore, you didn't—weren't surprised necessarily by the request. Did they imply to you that this material was in any way classified?

Ms. GOLAS. No. Just really sensitive.

Mr. SOUDER. By "really sensitive"—in other words, one of the problems we've dealt with in this committee is that things that were more "really sensitive" in political terms were treated as if they were classified. So you just—you made your own personal conclusion that this could be more like classified material than anybody suggesting that to you?

Ms. GOLAS. Yes. No one ever used the word "classified to me."

Mr. SOUDER. Thank you.

Mr. BURTON. Let me just conclude by—this has been a long, arduous task for all of you. We appreciate your coming, and hopefully we won't have to bother you again, but we do appreciate your being here today.

Mr. FITTON. Do you plan to call Ms. Hall, Chairman Burton?

Mr. BURTON. We will take that under advisement. We have another panel that is due right now.

Do any Members want to take a break here? If not, we'll go ahead with the next panel, and if there is any need for any break for anybody, we'll allow that, but if not let's go ahead with the next panel.

We'll wait 5 minutes. We have a couple of people that need to take a quick break, so we'll be no more than 5 minutes so we can move ahead. No more than 5 minutes.

[Break.]

Mr. BURTON. Raise your right hands, please.

Ms. CRABTREE-CALLAHAN. Mr. Chairman, may I ask a question, please?

Mr. BURTON. Yes.

Mrs. CALLAHAN. May I be sworn in my correct name? It's Laura Callahan, and it has been since September 1998 when I was married.

Mr. BURTON. Would you like it to be Laura Callahan or Laura Crabtree-Callahan?

Mrs. CALLAHAN. It's Laura Callahan.

Mr. BURTON. Laura Callahan. OK. As Laura Callahan.

Mrs. CALLAHAN. Thank you.

Mr. BURTON. Raise your right hands.

[Witnesses sworn.]

Mr. BURTON. Before I ask any questions, I'd like to make one real quick comment, and that is that the committee has conducted a lengthy investigation of campaign finance scandals. Over 120 people have fled the country or hid behind the fifth amendment when we wanted to talk to them. When we found out about the e-mail problem, we asked people to come in for interviews, and both

of you agreed to come in. Then you suddenly changed your mind and backed out.

I was very disappointed that you decided to do that. People who work for the White House, Mr. Lindsay and others, we believe should cooperate voluntarily with the Congress and they should——

Mr. KADZIK. Mr. Chairman, if I could interrupt for a moment.

Mr. BURTON. No, you may——

Mr. KADZIK. It is incorrect——

Mr. BURTON. Counsel, you may not speak before the committee. You can speak through your client. You cannot speak before the committee, and I'm making an opening statement. Your client can respond when we get into questions.

Mr. KADZIK. Just so you don't state——

Mr. BURTON. Mr.—what is your name, sir?

Mr. KADZIK. Kadzik.

Mr. BURTON. You're not allowed to speak as counsel to the witnesses before any congressional committee. You can confer with your client, you can ask—tell your client what to say, but he is the one that is supposed to respond.

We believe that the people at the White House should try to cooperate and not keep information from the Congress or try to stonewall us.

At any rate, we sent you a subpoena, and we're happy that you're here, and I look forward to the answers to your questions.

Ms. Crabtree, first of all, let me address you. When did you have your first conversation with Betty Lambuth about the problem with some incoming White House e-mails not being properly managed?

Mrs. CALLAHAN. Mr. Chairman, if I may please set the record straight, first of all, to the best of my——

Mr. BURTON. Would you pull the microphone closer to you, ma'am?

Mrs. CALLAHAN. Yes. First of all, to the best of my knowledge, no one has ever approached me to ask me any information up until this time, so I just want to make that very clear that I have not declined any previous request for information because no one has ever approached me prior to this time for information.

Mr. BURTON. OK. Do either one of you have opening statements you'd like to make?

Mr. LINDSAY. Yes, Mr. Chairman.

Mr. BURTON. OK. Well, Mr. Lindsay, we'll let you go first, then we'll get back to questions.

STATEMENTS OF MARK LINDSAY, ASSISTANT TO THE PRESIDENT AND DIRECTOR OF WHITE HOUSE MANAGEMENT AND ADMINISTRATION; AND LAURA (CRABTREE) CALLAHAN, CHIEF INFORMATION OFFICER, DEPARTMENT OF LABOR

Mr. LINDSAY. I would like, sir, just to first address your first comment, and that is the refusal to provide or to cooperate or come in for an interview. I was more than willing and have been and was very surprised when I received a subpoena, because there was a statement or belief on my part that I was going to have an appointment to come in for an interview. I would have had no objection whatsoever to coming in to an interview, and it was my under-

standing that my counsel talked to—when I acquired counsel, they talked to the committee's counsel, and then the next communication was that we were going to be—where should service be provided for the submission of a subpoena.

I would have been more than willing to come in and engage in an interview and looked forward to it.

Mr. BURTON. There must have been some miscommunication, because the way our counsel understood it was that you said you would come in and an appointment had been set, and then the White House informed us that you had retained counsel.

Mr. LINDSAY. That wasn't my understanding at all, and I would have—I had no objection to coming in and talking, whatsoever.

Mr. BURTON. Well, then, if that's the case and you have no objection, then we'll retract what we said and we're glad you're here.

Mr. LINDSAY. Thank you very much, Mr. Chairman.

Mr. BURTON. OK.

Mr. LINDSAY. Mr. Chairman, members of the committee, my name is Mark Lindsay. I'm the assistant to the President for management and administration.

I have been with the White House since June 1997. Before working at the White House, I worked as a staff member and counsel to Congressman Lewis Stokes, a Member for whom I have had an enormous amount of respect, and one of the last projects I worked on was the Ethics Reform Task Force. Because of that experience, I was brought on board to help the White House deal with and developing a relationship with the Congress and improving how we were dealing with matters as it relates to our information technology infrastructure.

When I came to the White House, one of the major issues that I had to deal with is that we had major information problems in terms of our status of our technology. As a result of engaging in that investigation and looking into how those things were being done, we actually were able to develop what I would consider a good relationship with our subcommittee in Treasury, Postal that was able to work out our appropriations issues so the White House could help move forward, past having our funds fenced and moving toward getting the kind of relationship that the Presidency and the kind of support the Presidency should receive from the Congress, and I'm very proud of that interaction.

As far as the matters that are related in this committee hearing today, I first became aware of the computer glitch in June 1998. It is the best of my recollection that Ms. Crabtree, a very trusted and valuable employee for the Executive Office of the President, brought that matter to my attention.

When I became aware of that particular issue, my first instruction and my first belief was to do whatever was necessary to fix the computer problem. Please keep in mind, Mr. Chairman, we had been faced with numerous and countless problems with system failures and systems that were being lost.

One of the things that we were constantly concerned about was making sure that we maintained the integrity of our computer systems and made sure they continued to operate.

On the point of providing any kind of instruction and intimidation, I did say to Ms. Crabtree that this was a matter that I be-

lieved that needed to be kept in bounds with those people who needed the information to perform repairs to the system. I believed that very, very much. I knew that in many cases there were investigations being conducted about individuals who were at the White House. I preferred very much that those individuals not hear about the way they were being treated by people who were talking around at the water cooler, but they learned in official processes and procedures. I felt very, very strongly about that.

But on the point of whether or not I issued any kind of threat to employees, I can state to you quite emphatically and quite clearly it's not something that I did, it's not something that I would condone, and it's not something that I would ever permit to happen if it came to my knowledge. As a matter of fact, Mr. Chairman, it is something that I find very, very troubling, and I would have done something about it right then.

I was also the ethics officer for my agency, as general counsel at that time, and following those kinds of rules were very important to me.

And I think that my record will show that in my interactions with Congress, the time that I spent here, the people that I worked with, the one thing that they would say about me is that that kind of behavior is out of the lexicon for Mark Lindsay.

Let me go on to state that once we did find out about this particular computer glitch problem we then moved forward, or I believe we were moving forward toward fixing this particular issue.

The very first instance, that very first day when I was informed, the first thing I did is place a call to my boss, Ada Posey, the director of Office of Administration, her boss, Virginia Apuzzo, the assistant to the President for management and administration, who then directed me to communicate directly with the counsel to the President and to let them know that this computer glitch had been discovered.

Once we conveyed that information, I directed my staff to prepare a memorandum which prepared that information in writing to the counsel expressing the concern about what was included in that e-mail or what wasn't included in the e-mail.

One other thing I would say is that at that particular time I was particularly, when I first heard about it, at least best of my recollection, it was my understanding that e-mails weren't being put into the ARMS service system. I was relieved to learn that it was just e-mails that were coming to the inside, as opposed to all e-mails not going to that system in the relevant time period. It was very important to me to make sure that that information was conveyed to the appropriate authorities.

It is important to also understand that the Office of Administration is a custodian of the records for the White House office. We maintain that information for the White House office. We did not and never during the time that I was there did I direct any particular search of e-mails, nor would I have without the direction of White House counsel. I would not have directed the reconstruction of any kinds of e-mails without the direction and cooperation of my colleagues in the White House. It just would not have happened.

It was very, very important to me to follow and conduct ourselves in a way which was fitting with the circumstances that I tried to

establish with our Treasury, Postal Subcommittee, and that is one basic principle: I believe very strongly that open and clear communication on what was going on was the only way that we could move from the position where we were, where in fiscal year 1998 we had all of our information technology funds fenced, and during that time period, we were unable to make a lot of the improvements, address the—you've heard people talk about in the last panel about server space problems and what not. That was because we didn't have the proper resource.

And, Mr. Chairman, some of that was our fault, in terms of how we went about doing our information planning. We developed a strategy, working with a partnership with Congress, for how we were going to move forward and how we were going to build a much more robust system.

And I'm very happy to report that in November 1998 we were able to develop a solution for this computer glitch, and then we got our funding for our Y2K money in that particular year.

Unfortunately, we were very much behind schedule. We were faced with—my computer experts came to me and said, essentially, "You will fail to meet your Y2K deadlines. You are not going to make it. You are starting too late, and you don't have the appropriate resources in place to be able to achieve the goals you need to achieve. What you need to do is focus on your mission-critical systems and on those systems which are mission support and critical to taking care of those needs."

Because of that requirement to address the Y2K glitch and to address those issues, the reconstruction of the e-mail was a matter which had to be placed in the context of maintaining the total e-mail situation.

What we did after we were able to address the Y2K problem, at the end of February 29, 2000, is we were able to then continue the efforts.

Please keep in mind that during this relevant time period, in October 1998, we had received information from Northrop Grumman stating that it would cost us \$600,000 just to assess what the scope of the problem was, just to assess what the scope of the problem was.

I can report to you today that that \$600,000 worth of work has been completed by the White House staff or the Office of Administration staff that were tasked with working with this, and they are moving forward with taking steps to address the reconstruction issue, which is moving forward and would have moved forward, even given the circumstances that we have here.

With all of that, I say it to emphasize the fact that, No. 1, there was no particular point in providing any kind of "coverup" of this particular information. From my perspective, because I didn't review the document requests that were provided to this particular committee or to other investigative bodies, I would have no knowledge and did not have any knowledge of what information would have been produced and what wouldn't have been produced. We responded to subpoenas and document requests that were passed through to counsel's office and passed those documents forward. I never reviewed those document requests and reviewed them for responsiveness, reviewed them for privilege, or other kinds of asser-

tions which one could assert at one particular time. We presented it and provided that information to those authorities.

Mr. BURTON. You've created a number of questions we'll get to in just a few moments.

[The prepared statement of Mr. Lindsay follows:]

STATEMENT OF MARK F. LINDSAY

Good afternoon. My name is Mark F. Lindsay. I hold the position of Assistant to the President for Management and Administration. Mr. Chairman, I came to the White House staff and I appear before this Committee with a history of and strong commitment to public service. Prior to joining the White House staff, I served on Capitol Hill as Senior Counsel to Congressman Louis Stokes of Ohio. Working on Capitol Hill afforded me the opportunity to utilize my background and legal expertise in areas such as business litigation, public policy and civil rights and to serve as the Congressman's staff representative on the House Ethics Reform Taskforce.

My tenure on Capitol Hill helped me to prepare for what has been a challenging and rewarding career at the White House. In June of 1997, I was selected for the post of General Counsel for the Executive Office of the President, Office of Administration. In this capacity, I was responsible for providing operational legal advice and counsel on a wide range of substantive legal areas including general administrative law, ethics, federal procurement, employment, legal aspects of budgetary and congressional matters, and federal record keeping and information disclosure.

In November 1997, I was designated as Chief of Staff for the Office of Administration in addition to my assignment as General Counsel. As a result, I undertook management responsibilities in support of the Director of OA. My duties as Chief of Staff included advising the Director on OA projects and initiatives, overseeing our management team, and monitoring

the execution of policies and priorities established by the Director. In October of 1998 I left the Office of Administration to become the Senior Counselor for Management and Administration. From December 1998 until May 1999 I returned to OA to serve as its Director. In September 1999 I went back to the White House to assume my current position of Assistant to the President for Management and Administration. As Assistant to the President for Management and Administration, I am responsible for directing the management and administrative functions of the entire White House complex, and I maintain oversight responsibility for all of the agencies that comprise the Executive Office of the President, including the Office of Administration, the White House Military Office, and White House Operations.

Mr. Chairman, when I joined the administration in 1997, the EOP's computer system was in dire need of attention. It had evolved into a "stovepipe" architecture comprised of six different operating systems and a dozen hardware platforms that was cumbersome and expensive to maintain. At the same time, the EOP was attempting to deal with the explosion in computer technology -- especially the rise of the Internet and e-mail. The number of hits to the White House Web Site was increasing exponentially. As my predecessor testified to the Appropriations Subcommittee for Treasury, Postal Service, and General Government in February of 1998, before 1996 we averaged 1,500 hits per day, but in 1998 we were up to an average of 8,787 hits per day. Similarly, in 1994, the number of records captured by our Automated Records Management System (ARMS) was 1.7 million -- in 1997, it was 4.1 million, and we estimated that by the year 2000, we would be managing 30 million records in ARMS, consuming 210 GB of storage space. In addition, we were still recovering from having our information technology funds fenced in 1997. As we reported to the Subcommittee, because of the fenced funds, the

EOP could not perform the necessary maintenance on desktop computers and software, the EOP network hardware and software, and the security systems hardware and software. System failures were frequent. Indeed, in response to Subcommittee questions dated April 7, 1997, we advised that:

The client/server network backup system used to preserve data integrity and facilitate the archival of Presidential and Federal records has exceeded its life cycle. Several users have already experienced the loss of data due to file server hardware failures. An analysis of the backup system has been completed with recommendations to correct the problem. The cost to implement the solution is estimated at \$20,000, but the funds are fenced.

And as if this was not enough to contend with, the EOP still had not begun to address the Year 2000 (Y2K) problem. When funds were finally received in November of 1998, the EOP had little more than a year remaining to renovate and test all of its mission critical systems in time for the rollover. I am proud to say that we accomplished this seemingly impossible task. In order to do so, however, we had to make tough choices and defer other non-Y2K projects,

Mr. Chairman, I understand that I am here today for 2 reasons: (1) to describe the computer glitch(es) that resulted in certain e-mails not being recorded on the ARMS system; and (2) to respond to allegations reported in the press that I made threats to the staff of our facilities contractor, Northrop Grumman, to keep silent about the problems created by the computer glitch.

I will describe the computer glitch in greater detail in one moment, but first let me give you my word that I never made any such threats. It pains me even to utter these words, and to be forced to defend my reputation in front of this Committee. To be perfectly clear, and hopefully, to put this matter to rest once and for all, I repeat and reiterate that I unequivocally deny that I threatened anyone regarding disclosure of the e-mail situation.

I also understand from press accounts that, contrary to what I believed in 1998, materials responsive to subpoenas issued during that time period may not have been produced. When I learned of the computer glitch, I quickly informed the White House and White House Counsel's Office and I ordered that the problem be fixed. I also ordered the preservation of the back-up tapes containing the missing e-mails. When my office was asked to search the e-mails for certain names, I believed the non-ARMS managed e-mails were searched. I now understand, though I did not understand it then, that the back-up tapes containing the e-mails may never have been searched.

Now to the facts. Laura Crabtree, Branch Chief, Desk Top Systems of the Information Systems and Technology Division, first advised me of the Mail2 problem in June of 1998, when it was discovered by Northrop Grumman during an examination of the \$ UNRECORDED VIEW file. I immediately tasked Ms. Crabtree to investigate the cause of the problem and to work with the contractor to take all necessary steps to remedy the problem and to preserve the data. Because of the confidential nature of some of the material alleged to be covered, I asked Ms. Crabtree to limit discussions about the material to the individuals necessary to conduct the repairs. Recognizing that there were potential legal issues related to the Armstrong case as well as the

Starr investigation, I also notified the White House Counsel's Office and the Department of Justice of the anomaly. The Department of Justice officials I talked with were not concerned from an Armstrong perspective because the records were primarily presidential, and they viewed the problem as an unfortunate computer "glitch" that did not impair the reasonableness of the prior searches. I also directed a member of my staff to prepare a memorandum for the then-Assistant to the President for Management and Administration, Virginia Apuzzo. This memorandum was entitled "Technical Anomaly in Automated E-mail Records," and is dated June 19, 1998. Ms. Apuzzo also copied the memorandum to former White House Counsel, Charles Ruff.

With respect to correcting the problem, Northrop Grumman initially had taken the position that the effort was not covered by the existing contract and would have to be separately negotiated. In response, I tasked a member of my staff (experienced in procurement matters), who was familiar with the contract, to review the contract and make a legal determination as to its scope. Based on this review, I was advised that the effort was clearly covered by numerous paragraphs within the existing statement of work. I advised Northrop Grumman accordingly and directed them once again to investigate the cause of the problem, remedy the problem, and preserve the data.

On September 16, 1998, Northrop Grumman sent a letter to our procurement officer stating that they knew about the e-mail problem and that they objected to a member of my staff providing direction on the repair effort without working through their supervisors. They also continued to assert that the repairs are out of the scope of our original contract. Obviously we maintained our

position that they were responsible for conducting the repairs and should do so as quickly as possible.

By November of 1998, Northrop Grumman had identified the source of the problem, the time period during which the anomaly occurred, and the more than 500 users affected, and had properly reconfigured all affected accounts. I directed that they also set aside the back-up tapes that covered the affected time frame so that they would not be recycled. Finally, based on the government's request, Northrop Grumman submitted an estimate in the amount of \$600K to evaluate the technical feasibility and cost benefit of reconstructing the e-mails from the backup tapes.

In April of 1999, Northrop Grumman discovered a separate e-mail anomaly involving users whose first name began with the Letter "D." Upon discovery, Northrop Grumman notified the Associate Director for Information Systems & Technology, who then notified me (at that time I was the Director of the Office of Administration). Upon notification, we met to discuss the error and potential technical solutions. Once again, I notified White House Counsel's Office of the glitch. By May 21, 1999, Northrop Grumman had identified the source of the problem, the time period during which the anomaly occurred, the users affected, and had properly reconfigured all affected accounts.

To this day, while we have begun reconstruction efforts of the back-up tapes, the non-ARMS managed e-mails have not been retrieved. There are a number of reasons for this. First, as I stated earlier, I believed that appropriate disclosures had been made and that appropriate searches

were done, so I viewed this as a prospective problem only. Second, due to Y2k priorities, everything had to take a back seat until March 2000. Third, I have been told that the cost of reconstruction is enormous and that it will take months in which to accomplish the reconstruction. Finally, let me reiterate that my staff and I acted appropriately with respect to all of these matters, and I would be pleased to respond to your questions.

Mr. BURTON. Ms. Crabtree, how do you want me to address you? Ms. Crabtree, or how?

Mrs. CALLAHAN. My correct name is Mrs. Callahan.

Mr. BURTON. Mrs. Callahan. OK. We will address you as Mrs. Callahan.

Mrs. Callahan, do you have an opening statement?

Mrs. CALLAHAN. Yes, Mr. Chairman.

Mrs. CALLAHAN. Yes, Mr. Chairman.

First of all, again, I'd just like to re-articulate the fact that, up until this event today, no one has made any attempt to reach me, unless my attorney has had such requests given to him, but to my knowledge there has been no attempt to get a hold of me, so, as a result, I would like to be able to start out, first of all, by introducing myself to you. I'm pleased by the reaction to correct the name.

So I would like you to get to know who I am, because, again, we've never had an opportunity to talk, so I don't think anyone here really knows who Laura Callahan truly is.

Just real briefly, I'd like to let you know that I am a career civil servant. I have almost 16 years of Federal service. I started my career of Civil Service back in 1984, and I have been working in various different capacities.

I came to Executive Office of the President on September 30, 1996 as the Lotus Notes Windows/NT project manager. At the time that I arrived at the Executive Office of the President back in that September 30th date, the position of the desktop systems branch chief was vacant. The position was empty. Mr. Paul Myers was acting in the capacity of the branch chief at the time when I arrived back in 1996.

In March 1997, the position of the desktop systems branch chief was announced and I competed for the position, in which I was then selected as the desktop systems branch chief.

As the desktop systems branch chief, I was responsible for the customer service support activities, the help desk, as well as the developmental activities for the desktop systems and the Windows/NT file servers.

Prior to my coming to the EOP, I worked at the Pittsburgh Research Center for the Centers of Disease Control, National Institute of Occupational Safety and Health. That particular research center was previously known as the Bureau of Mines Pittsburgh Research Center, an agency that was abolished and the functions assumed under the responsibility of the Centers for Disease Control.

For the time that I was at the Pittsburgh Research Center, I spent 3 years there as the director of the information systems and technology group responsible for the computing and networking needs there at the research center.

I am a graduate of Thomas Edison State College in Trenton, NJ, and I have numerous certificates and a series of awards and recognitions that I have basically been able to achieve over my almost 16 years of Federal service.

I do have available for you, if you would like, a list of those accomplishments, because I think it helps you understand who I am, because those accomplishments number over 40, and they include

recognition from not only commands and agencies for which I worked for, but they also include recognition from outside entities.

What I mean by that, to give you an idea of who I am, the outside awards include the 1995 Supervisor of the Year Award——

Mr. BURTON. Excuse me, Mrs. Callahan. I don't mean to be impolite, but your entire record of accomplishments is not necessary at this time. We really want to get on with the questions pertinent to the hearing.

If you would like to summarize, we'll be happy to have you summarize. And we're impressed, obviously, with your credentials, but we'd like to get on with the questioning.

Do you have anything else you'd like to say?

Mrs. CALLAHAN. I would just like to know, sir, if you'd like them for the record so you understand who I am.

Mr. BURTON. Sure. We'll be happy to put those in the record for you.

Mrs. CALLAHAN. Thank you.

And then I would also like to say that, at the Executive Office of the President, both in my capacity as the Lotus Notes, Windows/NT program manager and also in my duties as the desktop systems branch chief, from what I've heard today, being my first exposure to these activities, I have to say that I'm rather ambivalent at the moment. I am here voluntarily and willingly to help you with any information that you need and provide any data that you so desire. I'm just, quite frankly, a little perplexed as to why it took today's event and a subpoena. I would have been more than willing to be here at any previous time or help you with any information prior to this.

Mr. BURTON. Thank you. I think we've covered that.

My counsel contacted the White House. An agreement was reached that you and Mr. Lindsay would come down voluntarily, and then we understood that that was withdrawn and you hired counsel, and that's why the subpoenas were issued. Nevertheless, we're glad you're here——

Mrs. CALLAHAN. Excuse me, Mr. Chairman. I just want to make sure that people understand, this is all very foreign to me. I hired counsel because I need someone that understands the process, and being that my counsel, himself, was the chief counsel for the Ethics Committee, I have been following his guidance just to help me get through the process, and that was the reason for securing counsel.

Mr. BURTON. That's fine. We appreciate that.

Now, let's get back to the questions.

Mrs. Callahan, when did you have your first conversation with Betty Lambuth about the problem with some incoming White House e-mails not being properly managed?

Mrs. CALLAHAN. Mr. Chairman, it's Mrs. Callahan.

Mr. BURTON. Mrs. Callahan.

Mrs. CALLAHAN. I know that's a hard habit to break.

Mr. BURTON. Mrs. Callahan.

Mrs. CALLAHAN. Thank you.

Mr. BURTON. When did you have your first conversation with Ms. Lambuth about this?

Mrs. CALLAHAN. My first conversation is when Betty Lambuth approached me in June 1998 to advise me that we had yet another problem with e-mail.

Mr. BURTON. OK. During that conversation, did she show you an e-mail from Robert Haas or Yiman Salim describing the problem?

Mrs. CALLAHAN. No, sir. It was a very brief interaction for her to advise me that they had yet another problem with the e-mail system—

Mr. BURTON. OK. Well, she did not—

Mrs. CALLAHAN [continuing]. Which was not unusual.

Mr. BURTON [continuing]. Show you the memo?

Mrs. CALLAHAN. No, sir.

Mr. BURTON. OK. How significant did you understand the problem to be when you heard about it? Did you understand it to be pretty significant?

Mrs. CALLAHAN. The initial report from Betty Lambuth was to the effect that there had been some kind of a discrepancy noticed with the e-mail system. This was something that had been noticed and there was no data as of this time to tell us to what degree and depth the problem really occurred.

Mr. BURTON. Did you tell Ms. Lambuth at that time not to tell anyone about the problem?

Mrs. CALLAHAN. Not at that time, sir.

Mr. BURTON. But you did later?

Mrs. CALLAHAN. Later on, sir, there was a different series of events that occurred.

Mr. BURTON. OK. Well, we'll get to those in just a minute.

Did you instruct her at that time to tell her subordinates working on the problem that they were not to tell anyone about it?

Mrs. CALLAHAN. No, sir. Not at that time.

Mr. BURTON. Did you specifically say that they couldn't talk to their bosses at Northrop Grumman?

Mrs. CALLAHAN. No, sir. Not at that time.

Mr. BURTON. Not at that time. Well, when did you tell them that, and what did you tell them?

Mrs. CALLAHAN. Perhaps it would help, sir, for yourself and the committee to understand the series of events. Ms. Lambuth first reported that there had been a detected problem with the e-mail system—

Mr. BURTON. We can't hear you. Can you pull the microphone a little closer, please.

Mrs. CALLAHAN. We had learned about the problem through Betty Lambuth advising me that we had an anomaly with the e-mail system. My first reaction to her was what it has always been while I was employed at the Executive Office of the President, and that was the fact that, OK, this is not new. We've had numerous problems with the e-mail system. It was very poorly designed and very poorly constructed by a contractor prior to Northrop Grumman. So, as a result, anomalies were fairly common, and, as our normal process, when an anomaly occurs our first order of business is to figure out what we're dealing with—what is the situation, what is affected, what is the size and scope of the problem and the depth—so that we can figure out what the situation is and figure out the appropriate corrective measures. So that was the focus of

the first discussion with Ms. Lambuth was to figure out, indeed, what was this anomaly, and I instructed her to do some diagnostic research activities to find out the scope and depth of the situation.

Mr. BURTON. Yes. OK. So, when the meeting took place with all the people who were at the first table here today, what did you say to them during that conversation about the confidentiality of the records?

Mrs. CALLAHAN. Mr. Chairman, prior to that, there are a couple key events I think would help the committee—

Mr. BURTON. Well, I'm concerned about that meeting at this point.

Mrs. CALLAHAN. I can't answer, sir, without giving you the appropriate context, because then you won't be able to understand the reason for the meeting.

Mr. BURTON. OK. Give me the context.

Mrs. CALLAHAN. Thank you, Mr. Chairman. I appreciate that.

I had notified Mr. Lindsay immediately that we had an anomaly situation and that we had begun the research efforts. Very shortly, within a period of—and I'm working off of memory, bear with me—approximately a day or two of time passing, Betty Lambuth returned back to me very anxious, very nervous and concerned. She brought it to my attention the fact that Mr. Bob Haas had found e-mail messages pertaining to Monica Lewinsky and Ashley Raines.

The reasoning for this activity was unclear to me and it was rather perplexing, because I had not instructed the contractors to do any type of subject matter search at this point in time, nor had I—would I have any role to do any of those type of searches during my employment at the EOP other than functioning as a normal employee responding to normal document searches and requests.

So I was very concerned why all of a sudden we had specific e-mail being brought to my attention in a very, very short period of time when we did not even fully understand the size and the scope of the situation.

So I had talked to Ms. Lambuth and asked her very specifically what was the situation, why did Bob take it upon himself, Mr. Haas, to do these searches.

She was unable to answer that question for me and re-articulated something that was a regular pattern at the EOP, and that regular pattern was the fact that Mr. Haas was a very talkative individual and very inquisitive individual, similar to, like, a child on the first, you know, on the day of Christmas, waking up first, running down, and opening up all the presents to see what is inside before anyone else had a chance.

So, as a result of her concern and her repeated issues working with Mr. Haas in the past, and the fact that he had somehow taken it upon himself—through whatever means I am not sure—to do a search and had already found these documents dealing with Ashley Raines and Monica Lewinsky was a concern of both Betty Lambuth and myself.

So we had discussed options on how to approach this, in which case we decided that we would get a meeting together with all of the team members, including Mr. Haas and Betty Lambuth, and

basically walk them through the standard procedures of how we handle these type of events at the EOP.

And what I mean by that, as far as the "standard procedures" and what they were advised at the meeting was the fact that the normal procedures are, if you are receiving any inquiries from folks such as the press, to please refer them to the Office of Public Affairs, and if anyone else had any particular questions or had a need to know, to please refer them to either myself or Mr. Lindsay.

So Betty and I had made the decision jointly to have that meeting, and I, in turn, left and went and advised Mr. Lindsay of the situation—that Mr. Haas had found this information. We did not know what his motivation was behind that. And there was already people in the hallway starting to discuss this. And obviously, as we are all aware from the newspapers and the media, the other events going on, when I advised Mr. Lindsay of this he concurred that this was a situation that we needed to be careful of because it was sensitive. And, as such, Mr. Lindsay participated in the team conference call meeting in which all of the members of the team were present and Mr. Lindsay was there via conference call, and re-articulated the standard operating procedure. And in absolutely no way did I ever make any personal threats to any individuals during that timeframe.

Mr. BURTON. We had, I think, five people there. Three of them indicated that they had been told to be quiet, to keep a lid on this, that there was a threat that they might even go to jail if they said something. There were three of them that recalled that. One of them even told her supervisor that she couldn't tell him anything, even though he threatened her with reprisals, because she said she didn't want to go to jail.

Now, how did they get that idea, do you think?

Mrs. CALLAHAN. Mr. Chairman, first of all, from what I have heard today, there's very different recollections of those individuals, and—

Mr. BURTON. Well, excuse me for interrupting, three of them have referred to the jail comment, two of them said they don't recall that, but they didn't refute it. So no one has refuted it, but three have said that they felt that there was a possibility they would face jail. Now, how do you suppose they got that feeling?

Mrs. CALLAHAN. Mr. Chairman, I could tell you and the other members of this committee I did not threaten them with any sense of jail for several reasons, and first—

Mr. BURTON. Did you threaten them with dismissal or any kind of reprisals?

Mrs. CALLAHAN. No, sir, because there—they would be idle threats. I have no authority, first of all, to carry out these type of threats.

Mr. BURTON. Yes.

Mrs. CALLAHAN. And, No. 2, it is not anywhere in my demeanor and my past practice or my character to do those type of threats.

Mr. BURTON. OK. Well, let me ask Mr. Lindsay a couple of questions.

Mr. Lindsay, do you recall the phone call in question?

Mr. LINDSAY. No, I don't.

Mr. BURTON. You don't recall the phone call with them in Mrs. Callahan's office?

Mr. LINDSAY. No, I don't, sir.

Mr. BURTON. You don't recall? Well, during that—the selective memory loss of people that come to us from the White House just mystifies me.

Mr. LINDSAY. I assure you, sir, it's not selective.

Mr. BURTON. This was a pretty significant conversation. They were talking about e-mails that had been lost, which had been subpoenaed by myself, the independent counsel, and the Justice Department, and there are all these people from Northrop Grumman in then Ms. Crabtree or Mrs. Callahan's office, and you don't recall talking to them about that?

Mr. LINDSAY. No, sir. And I think that one of the things, to place this into context, is that at that present time I was handling two other investigations directed by Congress over the handling of classified materials, which I considered very, very serious.

Mr. BURTON. Yes.

Mr. LINDSAY. And I had numerous conference calls over those materials, where I worked with Chairman Solomon's committee and the House Permanent Select Committee on Intelligence.

Mr. BURTON. Yes.

Mr. LINDSAY. I also had investigations that were going on dealing with those things. Those were investigations that I was tasked with dealing with Members and dealing with other individuals in resolving those issues.

Mr. BURTON. Were you aware of the subpoenas that had been issued by the House, this committee, and the independent counsel asking for documents pertaining to a whole series of investigations involving the FBI files, the Travel Office investigation, the—

Mr. LINDSAY. Absolutely, sir.

Mr. BURTON. Then, if you were aware of those and you knew the e-mails were relevant to our investigations, why wouldn't this click on in your brain?

Mr. LINDSAY. Because, as Mrs. Callahan stated, my instruction from the very first instance was to fix whatever problem was there, but to also identify the scope and breadth of what the problem was.

Mr. BURTON. Yes.

Mr. LINDSAY. This was very early in the situation in terms of what was going on.

I didn't know for sure that information had not been provided to you or any other committee. I knew that document productions had been made. Of course, that was very obvious and common knowledge.

Mr. BURTON. OK. Well, let—

Mr. LINDSAY. What I didn't know was that the information contained in these e-mails was e-mails that was responsive to the document request that you are referring to.

Mr. BURTON. Let me—you had e-mails that had been lost since September 1996. The campaign finance investigation dealt with that timeframe. Money came in from all over the world into campaigns. There was a serious investigation going on. And the e-mails that were lost during that timeframe, you didn't even—that didn't

click into your mind that they might have been relevant to that investigation?

Mr. LINDSAY. Well, first off, Mr. Chairman, I would say that whether e-mails were lost or not is a conclusion that was—a technical conclusion that had not been reached yet. What I asked be done is that there be an investigation to find out what the nature of the problem was.

Mr. BURTON. OK.

Mr. LINDSAY. So I think it would be premature for me to say that. And, as Mrs. Callahan stated—

Mr. BURTON. Let me just ask one more question here, and then we'll yield to my colleagues.

Mr. LINDSAY. Yes, sir.

Mr. BURTON. You do not remember saying anything about this in a telephone conversation to the people that were at that meeting? All five of them remember, but you don't?

Mr. LINDSAY. No. Like I said, Mr. Chairman—

Mr. BURTON. You don't remember?

Mr. LINDSAY. I don't remember.

Mr. BURTON. OK. You don't remember.

And, Mrs. Callahan, you don't remember making any kind of a threat to any of these people, even though they all remember being concerned about what was said at that meeting, and so concerned that they went to Starbuck's and across the street to a park to talk about these things? You don't remember making any kind of a threat of any type to them?

Mrs. CALLAHAN. Mr. Chairman, I did not threaten anyone. I advised them of the standard practice and the procedures to handle sensitive situations.

Mr. BURTON. Mr. Waxman.

Mr. WAXMAN. Mrs. Callahan, you've said you worked for the Federal Government since 1984; is that right?

Mrs. CALLAHAN. Yes, sir.

Mr. WAXMAN. And are you a career civil servant or a political appointee?

Mrs. CALLAHAN. I'm a career civil servant, sir, with absolutely no desires or aspirations for the politics.

Mr. WAXMAN. In fact, I understand you are a registered Republican, or at least you were at the time all of this happened; is that right?

Mrs. CALLAHAN. Yes, sir, I was, and I still am.

Mr. WAXMAN. What is your area of expertise?

Mrs. CALLAHAN. My area of expertise is in the computer science arena. I have been working in that capacity since my entrance into the Federal civil service back in 1984.

Mr. WAXMAN. Have you received any Federal awards for Federal service?

Mrs. CALLAHAN. Yes, sir. In fact, I've submitted for the record here, I have over 40 different awards. Most recently are two from last week for exemplary achievement. I also have awards from independent parties, such as being named one of the Nation's top webmasters in 1996, I believe was the year, and in 1995 I received the award from the Federal Executive Board, the Bronze Award, for being supervisor of the year. And I have a litany of other ac-

complishments and achievements for which I have been recognized for my work.

Mr. WAXMAN. How long were you employed at the Executive Office of the President [EOP]?

Mrs. CALLAHAN. I was employed from September 30, 1996 until about October 10th or 11th, 1998.

Mr. WAXMAN. And what were your duties at the EOP?

Mrs. CALLAHAN. My initial duties, I was hired to be the Windows/NT and Lotus Notes program manager. That's what I started out as. And then I competed for and was selected into the position of the desktop systems branch chief in March 1997, where I then took on the responsibilities of customer service, support, help desk, as well as the development activities for the desktop systems, which included the desktop, themselves, the computers on the people's desks and what they saw, as well as the Windows/NT servers.

Mr. WAXMAN. Where do you work now?

Mrs. CALLAHAN. I currently work at the Department of Labor. I am—just to give you a little bit about myself there, I am in the senior executive service at the Department of Labor—

Mr. WAXMAN. Briefly, because I have questions I want to ask about the issue under investigation today.

Mrs. CALLAHAN. Certainly. And I'm the special—

Mr. WAXMAN. Aside from investigating your background.

Mrs. CALLAHAN. Thank you. And I'm the Special Assistant for Information Technology, where I perform the duties of the Deputy CIO, and I am the Director of the Information and Technology Center.

Mr. WAXMAN. I believe you learned about the Mail2 problem in June 1998. How did you find out?

Mrs. CALLAHAN. Ms. Betty Lambuth brought it to my attention.

Mr. WAXMAN. And what were you told about the nature of the problem?

Mrs. CALLAHAN. This was very much unknown. We just knew we had some type of an anomaly. We didn't even know the size and scope of the situation, and we didn't know at that time if it was strictly one of the mail servers or all of the mail servers. We just knew we had a problem.

Mr. WAXMAN. And what was your reaction to the problem?

Mrs. CALLAHAN. I go into my normal diagnostic behavior. I instructed her that we have a situation, that we need to figure out what it is, and asked her to go back and look at the situation and research it to find out the scope of the situation, how large it was, did it affect all of the e-mail servers, some of the e-mail servers, all of user accounts, some of the user accounts, certain types of e-mail—basically diagnostic type discussion.

He was very concerned that we go and do some research to find out whose e-mail this affected, how many people, and basic diagnostic information. He re-articulated the fact to find out.

Mr. WAXMAN. I understand one of the first things that you did was to call a meeting in your office on June 15, 1998, with the Northrop Grumman employees who were responsible for the ARMS-Lotus interface. These were the same individuals that testified on the first panel.

There have been allegations that you threatened them with jail. Mr. Burton has already asked you about that, but they told us—some of them, anyway, said that they thought you were threatening them with jail if they talked about the e-mail problem. Mr. Haas claims that you told him there would be “a jail cell with his name on it” if he mentioned the problem to his wife. Others who were present for this meeting, like Ms. Salim and Mr. Spriggs, have said that they don’t remember you making any threats.

I want to ask you about this meeting and what you said.

At that meeting, did you tell anybody to destroy any e-mails or cover up the problem?

Mrs. CALLAHAN. On the issue of destruction of e-mail, I have never given any instruction to destroy any e-mail messages. I want to make sure that that’s very perfectly clear to everybody.

In regards to the meeting, what prompted the meeting was the fact that a Northrop Grumman employee, Mr. Robert Haas, had brought to Betty Lambuth’s attention that he had found e-mail pertaining to Ashley Raines and Monica Lewinsky, when there had been on direction, to my knowledge, given to him to conduct such a search, and why—quite frankly, it perplexes me. I don’t understand his motivation at this point in time, because we were in a diagnostic mode, trying to understand, first of all, what servers were involved and then which e-mail users on which server were impacted, and then, when we could figure out that, we had to figure out how many e-mails for each of those users were, indeed, affected. We did not know that at this time.

I’m also a little perplexed, quite frankly, if I may. I’ve heard allegations that have been made and I’ve read them in the Washington Times, and it makes me, quite frankly, a little angry—well, it makes me a lot angry for several reasons, because they are strictly allegations. But, in addition to that, I find it rather mystifying that someone like Betty Lambuth can make a statement today about being threatened by myself and feeling so concerned that she’s going to jail by this alleged threat that she felt it to make the decision herself to have these meetings offsite, but yet this is the same individual who, after leaving the EOP in July, accepted an invitation to my wedding and attended my wedding in September of that very same year, in September 1998, bringing me a gift and wishing me well. I’m just, quite frankly, perplexed by all of the different behaviors.

Mr. WAXMAN. Let me ask you this about Mr. Haas, because he made the accusation, and I thought he was pretty sincere. He did tell us he made a flippant comment to you, and your response might have been a flippant response, because sometimes when people say something flippant they get a similar response, but he didn’t take it to be flippant. He said you responded—I think he asked, “What will happen if I tell my wife or tell people?” And you said, “There will be a jail cell with your name on it.” Could that have been the way this whole thing took place and you just don’t recall it?

Mrs. CALLAHAN. I do not ever remember, nor would I have ever said anything about a jail cell. And, quite frankly, I think Mr. Haas characterized himself with his flippant comments. I would suggest

that he may be either having bad recollection or may have an over-active imagination with regards to the threat being made to him.

Mr. WAXMAN. Well, you could have said that, "If this information gets out, it would be in violation of the contract, the law," something like that?

Mrs. CALLAHAN. Mr. Waxman, first of all, we didn't know what the information was. We were still trying to—

Mr. WAXMAN. Well, you knew that the President was being investigated and the Congress and the independent counsel and everybody was trying to get documents and e-mail, that there were a lot of things that weren't on that whole system that was supposed to enable people to get all the documents. You knew that right away, didn't you?

Mrs. CALLAHAN. At that point in time, we did not know. The only knowledge that I had was the fact that Mr. Haas had found some e-mail messages, four, that dealt with Ashley Raines and Monica Lewinsky, and, as a result of that, I had the meeting in order to advise them not to have any open discussions about this because I had Betty Lambuth approach me and tell me she was concerned that Mr. Haas was unable to control himself and was talking about this openly, and she wanted some reassurance, you know, given to her team about the standard practice and procedure for this, and that was the focus of the meeting.

And, also, so you can understand, I was only involved in this process for a period of maybe 1 to 2 weeks. My memory doesn't recall the exact number of days, but as soon as my boss, Kathy Gallant, returned, the project was handed over to her and she saw it through from that point on, so my involvement is very limited at the very early stages of this.

Mr. WAXMAN. But you did ask them at that meeting not to talk about it publicly; is that right?

Mrs. CALLAHAN. I advised them of the standard procedures, and the fact that if they were approached by the press to talk to the Office of Public Affairs, and if anyone had any specific questions, to please address them to myself and Mr. Lindsay.

Mr. WAXMAN. Did you think that was a reasonable request of them, given the circumstances?

Mrs. CALLAHAN. Yes, sir.

Mr. WAXMAN. And was Mr. Lindsay present at that meeting?

Mrs. CALLAHAN. Mr. Lindsay was conference called in. It was a—it was during a time where it was extremely busy and there was a lot of activity going on, and his availability was very, very limited, so we conference called him in.

Mr. WAXMAN. Did he threaten anybody in that conference call?

Mrs. CALLAHAN. Absolutely not. I never heard Mr. Lindsay make any threats.

Mr. WAXMAN. I see my time has expired.

Mr. BURTON. We have a vote on. We'll stand in recess until the call of the gavel.

[Recess.]

Mr. BURTON. The problem is we had the Speaker of the House making a point of order on the floor dealing with the chaplain, and, unfortunately, that had to be attended by a lot of the Members.

I now yield to Mr. Souder.

Mr. Souder.

Mr. SOUDER. I thank the chairman. And I want to make it clear, Mrs. Callahan, if I mistakenly say "Crabtree," please forgive me. I know Mr. Lindsay made that mistake twice in his opening statement, as well. Nobody is deliberately trying to make any mistakes. When you get mentally on one track, it's very easy to do that.

I want to start over and go—you laid out kind of how you saw the perspective of the meetings, but I want to go back through some specifics with that.

Did you—I understand you informed Mr. Lindsay immediately after the first meeting with Ms. Lambuth. Was Paulette Cichon, then Deputy Director of White House Office of Administration, present when you informed Mr. Lindsay of the problem?

Mrs. CALLAHAN. No, sir. Paulette Cichon was not available at the time. I remember stopping by her office and she wasn't there, and that's when I was able to find Mr. Lindsay.

Mr. SOUDER. Was anyone else there when you talked to Mr. Lindsay?

Mr. BURTON. Excuse me. Would you pull the microphone close. Your voice is very soft, and it is very difficult to hear you. Thank you.

Mrs. CALLAHAN. I'm sorry?

Mr. SOUDER. Was anyone else present when you gave the message to Mr. Lindsay?

Mrs. CALLAHAN. Not that I recall, sir.

Mr. SOUDER. Did he give you a message to convey back to Ms. Lambuth or anybody else who was working there? Did he say, "Please communicate this to them?"

Mrs. CALLAHAN. Not at that time, sir. No.

Mr. SOUDER. When you say "not at that time," you're saying he didn't give you a message to convey to them at any point? What time would he have told you? You've said that a number of times.

Mrs. CALLAHAN. Well, the first time I advised Mr. Lindsay of the problem was the fact that we had yet another e-mail problem. That was the first notification, which, again, is not unusual, given the fact that e-mail problems were frequent at the Executive Office of the President because of the very poor design of this system and the severe constraints of the hardware. So I had given him the first notification that we had an anomaly, and he basically told me, "Well, we need to find out what's going on," and went through the discussion I've mentioned earlier about diagnostics, and at that point I left his office.

Mr. SOUDER. At any point in future meetings did—you've maintained that he—that you didn't use—did he use the word "jail," "arrested," or anything like that?

Mrs. CALLAHAN. I've never heard Mr. Lindsay use those words.

Mr. SOUDER. In this code that you said you told the employees about, is that what you referred to it, as a code?

Mrs. CALLAHAN. It's standard operating procedures.

Mr. SOUDER. In standard operating procedures, what is that if somebody disobeys you?

Mrs. CALLAHAN. We didn't talk about disobeying. I just gave instructions to the staff on what the procedures were and articulated to them that if anyone is inquiring from outside the EOP, such as

the press, they were to talk with the Office of Public Affairs and refer them to that office.

Mr. SOUDER. So neither you—to your knowledge, nothing came from Mr. Lindsay or yourself that said if they didn't follow the standard operating procedures they would have any problems?

Mrs. CALLAHAN. No, sir.

Mr. SOUDER. So it was just kind of, like, being friendly to them, and just saying, "Look, this is the way we do business?"

Mrs. CALLAHAN. Just—we articulated the standard operating procedures, and none of the individuals involved ever came back to me, up until what I heard today, to even express a concern that they had even felt threatened to begin with.

Mr. SOUDER. Mr. Lindsay—

Mr. LINDSAY. Yes, sir?

Mr. SOUDER [continuing]. I assume that's your testimony, as well, that you did not tell Mrs. Callahan that there would be any punishment?

Mr. LINDSAY. Absolutely. There was—I had no power to punish. The statement I'm very perplexed about—

Mr. SOUDER. Can I interrupt you just a second?

Mr. LINDSAY. Sure.

Mr. SOUDER. None of us are alleging that you or Mrs. Callahan had any power to punish.

Mr. LINDSAY. Yes.

Mr. SOUDER. You can make a threat or an implied threat that someone else can have the power to punish, whether or not you do. So I'm not accusing you of saying you had the power to punish. The question is: did you imply back that if any of them leaked this information or let anybody outside or didn't follow standard operating procedures that they could be disciplined?

Mr. LINDSAY. No, I did not.

Mr. SOUDER. Mrs. Callahan, again, did you convey a message from—any kind of message from Mr. Lindsay to Ms. Lambuth?

Mrs. CALLAHAN. The only thing I conveyed was the fact that we needed to go through our diagnostic process.

Mr. SOUDER. And how do you think they interpreted that? In other words, given the fact that you had talked with Mr. Lindsay, clearly were going up the chain of command, and then coming back, how do you think they interpreted that? And could they have, in fact, felt intimidated by the way it was delivered? Or do you think they just behaved irrationally in their concern?

Mrs. CALLAHAN. First of all, sir, the first interaction was between myself and Ms. Lambuth. The other staff members weren't involved. In that regard, I just communicated back to her the need to do the diagnostic activities. It wasn't until after it was brought to my attention that we had an individual on the team, Mr. Haas, talking about this and there was hallway chatter going on that the second meeting was prompted.

Mr. SOUDER. Did Ms. Lambuth request to meet with Mr. Lindsay? Did she request a meeting when she talked to you?

Mrs. CALLAHAN. I'm not aware of that.

Mr. SOUDER. Did she indicate that she wanted a meeting to hear the message directly, any kind of message from Mr. Lindsay?

Mrs. CALLAHAN. I don't recall that at all.

Mr. SOUDER. And I do want to correct one thing that you had said in the record. You said that you were confused that—because she had given you a present, I think, for your wedding after the period of time where supposedly she felt threatened. Mr. Hawkins communicated to us that she felt she was in your pocket. In other words, in the first panel, he was accusing her of being too close to the contracting officer. She said on the record that she wasn't so close to you that it would be dependent. But, just to make the record clear, she was hardly viewed by this panel or the Members of Congress here or anyone else as hostile to you, and she was relaying the facts as she heard them, but, in fact, she was accused by another witness on the panel as being too close to you and listening to you rather than to her direct supervisor, which is a little bit different implication of that.

Mr. Lindsay, did you ever meet Ms. Lambuth to hear her message or to give any messages to her face-to-face?

Mr. LINDSAY. I don't have any recollection of a specific meeting with her at all, nor, in the normal course of things—the thing to keep in mind is we had over 200 folks who work for the agency. As I mentioned before, we had numerous investigations, we had other matters. I was the general counsel. And, frankly, this whole genre was a little bit out of my bailiwick. So, frankly, my information, I used the conduits that I had and the people that we'd been able to work with and had a trusted relationship, Laura being one of those people, to act as a conduit, and the associate director for information systems.

So it would be—it was impractical for me to go and have individual discussions with every single person in a particular matter.

In addition to that, the—because when I talked with Mr. Hawkins at a later date, when he raised an issue of whether or not we were properly acting within the scope of the particular contract, I believed very much that it was within scope, and their attempts to acquire additional funds to perform this work was inappropriate, so we did have those kinds of discussions about those matters and no discussions of intimidation or anything else came up.

Mr. SOUDER. I want to repeat something I said earlier. One of the difficult things, as a Member of Congress, as we get into this, is both of you seem to be very skilled public servants. You both seem very nice and very pleasant. The truth is that so have most people who have been in front of us. This isn't anything personal with anybody, but over time, over 5 years, we've lost a tremendous degree of confidence in the ability to get truth, and that isn't a reflection on any individual, but we're trying to do our job of getting to the bottom of this.

Mr. LINDSAY. I have a very significant degree of respect for the congressional process and what happens based on my experience and the time that I worked here, so I very much respect that process.

Mr. SOUDER. And we've had a big conflict over the period of time at hand, 1996 to 1998. We've had a very difficult time with witnesses fleeing the country, with trying to pursue that. And both of you have talked about how busy you were, and I understand trying to recall conversations when you have multiple investigations going, you don't remember necessarily particular meetings or what

was said at something, but—particularly early on. However, we have a memo that was sent to John Podesta, assistant to the President at that time, the deputy chief of staff, from a Virginia Apuzzo that appears—there’s a handwritten note to Chuck, who we believe is Charles Ruff, that is warning them about this, and clearly—I mean, I don’t know how often this kind of memo would go up to this high a level in the White House, as well as to the legal counsel of the White House saying, “Look, this could be a super big problem.”

To me, the impression I’m getting is that you had two more-important investigations than this one, but is that unusual to have a memorandum go to John Podesta saying that ARMS is an information system designed to provide comprehensive archives; that, in fact, a lot of these archives aren’t there—describes a description of it? Why would something like this go to the very top echelons of the White House and to the top of his legal team?

Mr. LINDSAY. Well, I can’t answer the specific reason as to why the assistant to the President for management and administration transmitted that memorandum to the chief of staff. What I can—to the deputy chief of staff. What I can say is that I conveyed this information.

You have to understand, I mean, I’ve practiced law and I understood the circumstances that the folks in the counsel’s office were in, and I knew, too, that for me to try and act on their behalf in these types of matters was inappropriate. I knew what we needed to do was to convey—try to collect the information as soberly and deliberately as we could and then present that information.

And I’ll be perfectly frank with you. As soon as we provided this information that I provided to my superiors, I could put a bit of a sigh of relief, because, frankly, we had conveyed it, and then it was up to them to provide the—particularly the legal folks—to provide the legal analysis based on the information, the evidence, and the materials that they had which I didn’t have access to at that particular time.

Mr. SOUDER. You’re also used to working with politicians, and I think we can all understand that what we heard today is it is not even plausible that there was a backup for most of these incoming e-mails, which is a limited universe, but critical incoming e-mails that could have been coming from John Huang or Charlie Trie or the Democratic Committee and taken out.

Obvious politicians and the legal attorneys at the White House realized this was a potential nuclear bomb. This isn’t just kind of, “Oh, this is a little glitch in the computers.” This is potentially hundreds of thousands of relevant—not all of them relevant, but buried in that that may have been, in fact, deleted because there was no longer a backup system to catch it.

Mr. LINDSAY. I have no information to support that supposition.

Mr. SOUDER. Other than it went to the top echelons of the White House immediately after you had had a meeting.

Mr. LINDSAY. I know that there was a transmission of that information, but that was in the normal course of things. I met with Chuck Ruff at the counsels’ meeting twice a week.

Mr. SOUDER. Yes.

Mr. LINDSAY. And we would discuss computer types of issues. And this was the proper forum to do it and to convey that to him so that they could make the appropriate determination.

Mr. BURTON. The gentleman's time has expired.

Mr. Waxman.

Mr. WAXMAN. Mr. Chairman, I am surprised and very disappointed to have learned, just walking into the meeting a few minutes ago, that you have unilaterally disinvited Beth Nolan, the White House counsel, to testify today. She was on the agenda to testify.

Mr. BURTON. If the gentleman will yield—

Mr. WAXMAN. I won't yield at this point, but I will when I have completed.

Mr. BURTON. OK.

Mr. WAXMAN. I'm disappointed because, as basic fairness, both in treating the minority and in this hearing, we should have Beth Nolan here today to testify. She can give us information about Monica Lewinsky and the e-mails, and clarify all the innuendo that has been raised.

Mr. BURTON. Will the gentleman yield?

Mr. WAXMAN. Not yet.

Mr. BURTON. OK.

Mr. WAXMAN. And for us not to even have been consulted about taking her off the schedule, even if she is going to be invited next week, there's this huge gap where you have out there statements that were made, a lot of confused statements that were made, with all sorts of accusations, which I think could have been cleared up and should have been cleared up in the same day at the same hearing.

I'll yield to the chairman.

Mr. BURTON. Let me just say that we have information that we have received at e-mails involving the Vice President, and we had some other information that was conveyed to us today. The staff and I talked about it, and we agreed that, rather than have Ms. Nolan come up twice, once today and again next week after we reviewed the Vice President issue and the other things that we received today, we thought it would be better for her and for the committee for us to do it all at once.

Mr. WAXMAN. Well, reclaiming my time, I think what has happened, Mr. Chairman, is that you haven't been able to establish your case with any clarity that anybody did anything wrong, and therefore you are trying to find another set of arguments to come in with so you can make some other accusations and then have her answer those accusations.

Today, we have had testimony from people who said they were threatened, they were told to keep quiet. We had a witness who said she heard from somebody else about what was in these e-mails and how damaging they were. Of course, that was contradicted by other testimony. But the person who could give us information that would clarify whether the e-mails were actually given to this committee and to the independent counsel was Ms. Nolan, the White House counsel.

You may have consulted your counsel, but you didn't consult the minority, and I think it was an improper way to treat the minority

on this committee, and certainly an improper way to conduct a hearing that should be fair. And I think by this action it is clear that it is not fair.

But I want to pursue some questions with the witnesses that are here today, so maybe we can get to some of the facts.

Mr. Lindsay—

Mr. LINDSAY. Yes, sir.

Mr. WAXMAN [continuing]. Just by way of background, just summarize your career very quickly in the Executive Office of the President prior to your current job.

Mr. LINDSAY. I've had several posts within the Executive Office of the President. I started when I left as working for Congressman Louis Stokes. I joined the Executive Office of the President as the general counsel for the Office of Administration. In that position, I worked on many legislative matters and legal matters within the Office of Administration, which primarily comprised most of the business functions that went on and providing administrative support to the White House.

After a period of time, I was promoted to be chief of staff and general counsel within the Office of Administration and performed that position for a while, and then was moved to be counselor to—senior counselor for management and administration within the White House office, where I worked directly for Ms. Virginia Apuzzo, the assistant to the President for management and administration.

At some point after that, the director of the Office of Administration left and I was requested by my superior to rejoin the Office of the Administration as its director because we had pending testimony date before Congress that was coming up. I was familiar with some of the issues and I was tasked with rejoining the Office of the Administration and testifying before Congress, which I believe went quite successfully.

Mr. WAXMAN. Is the Office of Administration part of the White House?

Mr. LINDSAY. It is not, sir. It is—the White House office is a separate agency which receives its own appropriation.

Mr. WAXMAN. Does it play a political role? Does the Office of Administration play a political role?

Mr. LINDSAY. No. The objective of the Office of Administration is to provide common administrative support for the Executive Office of the President. Most of the people, the vast majority of the people, all but at that time probably six individuals who worked for the Office of Administration, were career individuals who had worked for the administration, administration after administration, and served the Presidency and not a particular President.

Mr. WAXMAN. At the time of the discovery of this Mail2 problem, what was your position at the Office of Administration?

Mr. LINDSAY. I was the chief of staff and general counsel.

Mr. WAXMAN. And how did you learn about this problem?

Mr. LINDSAY. Mrs. Callahan came to me and let me know about it.

Mr. WAXMAN. And what did you do after you learned about the problem?

Mr. LINDSAY. Well, the first thing was to gather more information as to what was going on, and I remember asking her to do—to look into it a little bit further, and providing her with instructions that we needed to fix it. We want to get this stuff squared away, whatever it was. I didn't know or have any real detailed understanding of what was necessary to do that, but I saw, as an administrative manager there, that one of the things that was important for me to do and I saw as part of my duty is to, at least, from the very beginning, push toward resolution of the problem, whatever its scope.

Mr. WAXMAN. There have been allegations that you or Mrs. Callahan threatened Northrop Grumman employees, telling them that they could face jail if they discussed the mail problem with anyone. Did you threaten any of these employees?

Mr. LINDSAY. Mr. Waxman, absolutely not. I didn't and I'm not aware of any threats being made by any Government employee to any Northrop Grumman employee.

Mr. WAXMAN. What did you tell the Northrop Grumman contractors?

Mr. LINDSAY. I'll be perfectly honest with you: I don't have a recollection of having specific direction and conversations with them. My conduit for dealing with the contractors were Government employees. The contractors did not report to me, they did not provide work reports, none of those things. They all went to the technical staff that was there, and then those technical staff people would then, where appropriate, bring matters to my attention.

Mr. WAXMAN. Did you want to limit the discussion of the problem to the people involved in making the repairs?

Mr. LINDSAY. Absolutely.

Mr. WAXMAN. And was that an attempt to cover up the problem?

Mr. LINDSAY. Absolutely not.

Mr. WAXMAN. Did you instruct them not to tell their managers about the problem?

Mr. LINDSAY. No, I did not.

Mr. WAXMAN. Did you, yourself, brief Northrop contract manager Steve Hawkins about the problem?

Mr. LINDSAY. Yes, I did.

Mr. WAXMAN. Now, after hearing about the e-mail problem, you also specifically instructed that backup tapes containing the non-archived e-mails be saved; isn't that right?

Mr. LINDSAY. That is correct, sir.

Mr. WAXMAN. And why did you do that?

Mr. LINDSAY. I did that because my state of knowledge as to the volatility associated with the systems that we had, I wanted to make sure that we took—whatever steps necessary were there to preserve the information. That's one thing that I saw as a primary responsibility of mine is to preserve information, to make sure that their records were kept at least in one of those three places where they could reside on someone's computer or on the server, on the ARMS system, or on backup tapes.

Mr. WAXMAN. I understand you informed senior officials at the White House about the e-mail problem. In fact, I have a June 19th memo to John Podesta, then the deputy chief of staff, that you

helped draft that describes the problem. I want to ask you about this.

Who did you inform at the White House about this problem?

Mr. LINDSAY. My immediate superior, the director of the Office of Administration, and also Virginia Apuzzo, who is my boss also, and the assistant to the President for management and administration.

Mr. WAXMAN. Did you inform the White House counsel's office?

Mr. LINDSAY. I was directed by my boss to contact the counsel to the President immediately.

Mr. WAXMAN. And what did you tell them?

Mr. LINDSAY. Told him essentially the material or the information that is contained in the memorandum—that there was a glitch with the computer system where incoming e-mails may not have been collected by the ARMS records management system.

Mr. WAXMAN. And what was the response of Mr. Podesta and Mr. Ruff, then the White House counsel?

Mr. LINDSAY. Mr. Podesta's response was just to ask if I had had any conversation with Mr. Ruff, and, frankly, I didn't provide any other briefings or other information for him. I talked with Mr.—the counsel to the President at that point afterwards.

Mr. WAXMAN. Did anyone at the White House tell you to hide the problem?

Mr. LINDSAY. Absolutely not.

Mr. WAXMAN. Did anyone at the White House tell you to destroy any e-mails?

Mr. LINDSAY. Absolutely not.

Mr. WAXMAN. My understanding is that you were requested to perform a test of the system to figure out the extent of the e-mail problem; is that right?

Mr. LINDSAY. I didn't understand it—I didn't take it as a test at that particular time, but I did receive a set of names that were provided to me by folks in the White House counsel's office, which I conveyed to our technical folks, and they did perform an analysis of those names, and the results were then provided back to the counsel's office for comparison with other documents that have been produced.

Mr. WAXMAN. And tell me more about this test. How was it conducted? And what were the results of that test search? And did you think the problem had been fixed as a result?

Mr. LINDSAY. I couldn't tell you, based on that information. I made it a habit as to not to look and review documentary productions from e-mail searches, myself. What I did—because we were the custodian of the records, it was not my job to review those records for responsiveness, or whatever. We received the search language. In this particular case, it was provided directly to me. I conveyed that to my technical staff, and then they performed the search of the information.

It was my belief at the time that they conducted this search of the data base or the information, a manual search, as I remember it, outside of the ARMS records management system.

Subsequent to that, I've learned that that may not have taken place, but my understanding at that time was that that was the information that was being provided back to me, and I conveyed

that to the counsel's office, and then they and only they could actually perform the review and the comparison with what other documents had been produced and what came up with that particular search to check and see if there was a problem.

My recollection is that, after that was done, some time went by and the word that I got back was that, "Hey, these are duplicates. It probably isn't that big of a problem because this information has already been produced."

Mr. WAXMAN. It was produced by a separate search of individual e-mail systems?

Mr. LINDSAY. That's what I would surmise.

Mr. BURTON. The gentleman's time has expired.

Was the President or the Vice President told about the problem, to your knowledge?

Mr. LINDSAY. I would have no knowledge of that.

Mr. BURTON. Ms. Apuzzo is, I guess, one of your superiors?

Mr. LINDSAY. That is correct.

Mr. BURTON. And you don't recall the phone conversation that you had with Mrs. Callahan and the people that were in her office? You say you don't recall that phone call?

Mr. LINDSAY. No. I mean, it was over—almost 2 years ago.

Mr. BURTON. I know. You don't recall the phone call. And yet, just a matter of a couple days later, you assisted in writing a memo to Mr. Podesta from Ms. Apuzzo about—and it's a pretty complex memo, going into some detail about the problem. But you don't remember the phone call?

Mr. LINDSAY. As I said, the conversation on the phone call took place over 2 years—about 2 years ago, and it was a very short duration. At that time—

Mr. BURTON. But you remember the memo, though?

Mr. LINDSAY. Yes, because I've seen the memo. But I'll be perfectly honest with you: when this matter was brought to my attention for the first time, I didn't remember the memo.

Mr. BURTON. OK. Now, I want to make sure I've got all this straight.

You don't remember the phone call, and yet five people from Northrop Grumman all sat at that table just a while ago and they all remember the phone call.

Mr. LINDSAY. Mr. Chairman—

Mr. BURTON. Let me just finish.

Mr. LINDSAY. Yes.

Mr. BURTON. They all remember the phone call. Three of them felt that they were threatened with possible jail. All five of them said they felt some kind of threat or intimidation from Ms. Crabtree—then Ms. Crabtree, now Mrs. Callahan—but she said that never happened and doesn't remember anything like that. That just didn't happen.

I just can't believe that five people would all come here and lie because I can't figure out why they would do that. Can you tell me why you think they'd lie to us?

Mr. LINDSAY. Mr. Chairman, I can only speak under oath to those matters for which I have knowledge.

Mr. BURTON. I understand. Yes.

Mr. LINDSAY. I cannot speak to what was in the content of other people's intent or what their thoughts were at any particular time.

Mr. BURTON. Sure. How about you, Mrs.—

Mr. LINDSAY. All I do know is what my own conduct was and what I did.

Mr. BURTON. And you don't recall the phone call?

Mr. LINDSAY. No, I don't.

Mr. BURTON. Mrs. Callahan, can you—you worked with these people. In fact, you said the one lady came to your wedding, and you said that—and she indicated that you were fairly close. In fact, I think the supervisor there said that one of the problems he had was that she confided in you too much. So evidently she was fairly close to you at some time. Can you figure out why she and all these other four people would lie about that meeting?

Mrs. CALLAHAN. Mr. Chairman, after listening to the discussions earlier this morning, first of all, I don't recall all five of them saying—

Mr. BURTON. Three of them did.

Mrs. CALLAHAN [continuing]. That there was a threat.

Mr. BURTON. Three said that they recall either being threatened or referred to being threatened with jail, because the one lady—and I don't recall her name right now, but we can look it up—she said that when she was asked by her supervisor to tell him what was going on, she says, "I can't tell you." And he says, "Well, if you don't, you're insubordinate." And she said, "Well, I'd rather be insubordinate than go to jail." So she felt like there was some threat there. Ms. Lambuth said the same thing. And the—what was the gentleman's name—Mr. Haas said the same thing. So three out of the five alluded to a threat of jail. The other two said that they felt like they had better keep their mouths shut because it was pretty clearly stated to them that there might be some—their jobs might be in jeopardy.

If you didn't hear that, then you weren't listening to the same five people I was listening to.

So the thing I can't understand is they all don't recall the jail threat. Three of them pretty much do. Two remember being—feeling intimidated and threatened. But you're saying that none of that happened?

Mrs. CALLAHAN. Mr. Chairman, what I am saying is what I heard this morning. I heard two people say that they had heard the threat and make that allegation. I heard one person start by saying no, and then evolved as the day went on into saying yes. And the other two had no feeling of there being a threat of jail. I also heard Mr. Haas and Ms. Lambuth contradict each other as far as what their roles and responsibilities were.

Mr. BURTON. That had nothing to do with that phone conversation in that meeting.

What we will do, for your edification, is we will get a transcript of the testimony that took place and I will be happy to send it to you so you'll recall very vividly what they did say.

I'm just disappointed that five people—either five people lied or you are. It's one of the two. I just don't understand this.

Mr. Souder.

Mr. SOUDER. I thank the chairman. Unfortunately, many people will—are probably going to watch this on C-SPAN and will also be able to see.

What I'm confused about here also is that I want to reconcile something. Mrs. Callahan, what did you—did you tell the contract employees present that they couldn't talk to their supervisors?

Mrs. CALLAHAN. I instructed the contract employees at the meeting that this was an extremely sensitive situation. All of us were aware of the activities going on in the press at the time; and the fact that there had already been discussions of this brought to my attention, that it was going on in the hallways, was not acceptable; and that our current procedures and our practices at that time were to deal with the issue in a purely technical sense, since it was a technical problem that needed to be resolved, and that's where we needed to put our energy and time and focus and deal with the issue.

Mr. SOUDER. So the answer is yes, you told them not to talk to their superiors?

Mrs. CALLAHAN. I told them if they had any questions they were to—if anyone approached—

Mr. SOUDER. The answer is yes; is that not correct? Did you tell them they shouldn't talk to their superiors?

Mrs. CALLAHAN. Well, their superior was in the room, so that—

Mr. SOUDER. You wanted it limited to just those in the room?

Mrs. CALLAHAN. Those in the room. Yes, sir.

Mr. SOUDER. Was Mr. Hawkins in the room at the time?

Mrs. CALLAHAN. No, sir.

Mr. SOUDER. Is not he their superior?

Mr. HAWKINS. He was Betty Lambuth's superior.

Mr. SOUDER. So you told Betty not to talk to her superior?

Mrs. CALLAHAN. I don't recall that, sir.

Mr. SOUDER. You just said you did.

Mrs. CALLAHAN. I told Betty—

Mr. SOUDER. You said you wanted it limited to that room only.

Mrs. CALLAHAN. To that room only, but I did not single out Mr. Hawkins.

Mr. SOUDER. I hope people can realize that one of our frustrations here is that you are making us ask the questions so precisely, rather than the intent of the question. The intent of the question is: could people have walked out of that meeting assuming they weren't supposed to talk to their superiors? And the obvious answer is yes, because Mr. Hawkins wasn't in the room. Then you say, well, I didn't ask you precisely. Whether I said, "Did Betty Lambuth get asked," my intention was, would they have gone out of that room thinking that you told them not to talk to anybody outside of that room, including their superiors who weren't present in the room? And if some of them had their superiors present, that certainly answers my basic question.

Let me ask Mr. Lindsay the same question. Did you tell them—and I know you at this point don't recall a lot of the phone conversation, but, from you, did you ever imply to any of them that they weren't supposed to talk to their superiors?

Mr. LINDSAY. Did I ever?

Mr. SOUDER. Yes.

Mr. LINDSAY. Is that the question?

Mr. SOUDER. Yes. Not at a particular phone call.

Mr. LINDSAY. No.

Mr. SOUDER. In other words, would they have gotten the feeling from you at any point that they weren't supposed to talk to their superiors or anybody beyond their group?

Mr. LINDSAY. My recollection of any conversations that I had with people at this time was that my No. 1 objective was to make sure that this problem was resolved, that I got the information so that I could report that information to my superiors so that we understood what was going on.

I had no particular interest in having this matter—I think Laura's characterization is correct. This was another problem. The problem was to be solved. That's what I wanted to have it done.

The technical niceties in terms of how they went about doing it and whether or not Hawkins was involved with it or whether or not 20 other people were involved with it didn't matter to me.

As a matter of fact, under the contract I would have been perfectly happy for the contractor to bring in an expert team of people from the outside who were familiar with the system to solve the problem if they were going to perform that under the contract. I would have been ecstatic to have that happen.

Mr. SOUDER. Let me ask you a question. Just a minute ago, in answer to Mr. Waxman's question, you said you absolutely wanted to limit it to that group.

Mr. LINDSAY. What's that?

Mr. SOUDER. You just said a few minutes ago you absolutely wanted to limit it to that group. When Mr. Waxman asked you a question, you said you didn't want the information going beyond—I wrote it down. "I absolutely wanted to limit it to that group."

Mr. LINDSAY. I wanted the information to be limited, but the definition of "group" is the group of people necessary to solve the problem. That means if Northrop Grumman chose to bring in 20 people who were going to actually solve the problem, that was fine with me.

Mr. SOUDER. So you—

Mr. LINDSAY. I would want that group of 20 people to not tell other staff what was going on with that problem.

Mr. SOUDER. So Mrs. Callahan was incorrect to communicate to them that they shouldn't tell anybody outside that room?

Mr. LINDSAY. I don't know what she said.

Mr. SOUDER. But if she told them that, she was incorrect?

Mr. LINDSAY. To not to tell anybody outside that room?

Mr. SOUDER. Yes. That's what she said just a minute ago.

Mr. LINDSAY. I don't know what she understood from me at that particular time. That would be inconsistent with my philosophy, and I think I corrected that at a later date when I talked to Mr. Hawkins and made the point very clear to him that I was perfectly willing to entertain or to have people talk about or bring this matter into the question. I asked him to ask me any questions that he wanted to ask me about it. It just wasn't—that portion of it wasn't important. The concern was the conveyance of the information to individuals, as Mrs. Callahan stated in her testimony, to people who are extraneous to resolving the particular matter.

Mr. SOUDER. OK. Back to Mrs. Callahan, then, since you told me that, for example, you told the group that it was supposed to stay limited to that group, and to Ms. Lambuth that she wasn't supposed to talk to Mr. Hawkins. Didn't you consider, because certainly, if it was supposed to be just to that room, that this could present a big problem to anybody in that room in their relationship to their superiors outside that room, or if, for example, as happened with one of the witnesses, they were called in by Mr. Hawkins and taken over the coals, that you could be putting them in danger of losing their jobs?

Mrs. CALLAHAN. Well, Mr. Souder, first of all, I communicated to the group the standard practice, and at that point in time I had known that Mr. Lindsay was going to talk with Mr. Hawkins, and that's where the briefing to Mr. Hawkins occurred.

Also, too, you understand—and I think Mr. Hawkins addressed it earlier—that there had been numerous conflicts between Ms. Lambuth and Mr. Hawkins on a regular and routine basis.

Mr. SOUDER. Because of her closeness to you.

Mrs. CALLAHAN. Excuse me?

Mr. SOUDER. He said because of her closeness to you he had had conflicts with her.

Mr. BURTON. The gentleman's time has expired. We'll get back to you.

Mr. Waxman.

Mr. WAXMAN. Thank you.

To go back to where I left off, Mr. Lindsay, you found out you had a problem—

Mr. LINDSAY. Yes, sir.

Mr. WAXMAN. Yet it might have been fixed when you heard that they were going to do some test on the individual e-mails of the computers, as opposed to this—what do you call it?

Mr. LINDSAY. My analysis at the time was that—

Mr. WAXMAN. ARMS.

Mr. LINDSAY [continuing]. There may not have been a legal problem in terms of whether or not documents were produced or whether or not that was completed, but I still had a problem, and that was I still had a technical staff that reported to me that there was a glitch. Even if that test came back in a positive way, I may not have had a production problem, but I had a technical problem with my e-mail system and my ARMS system and how they worked together. If that—that was the issue that I needed to resolve.

Mr. WAXMAN. So at first some people thought maybe the problem was corrected, but you came to the realization that the ARMS issue wasn't corrected?

Mr. LINDSAY. Well, my technical staff didn't report to me that it was corrected until November 1998.

Mr. WAXMAN. When did you learn there was a continuing problem with the production of the e-mail?

Mr. LINDSAY. With the production, probably—I mean, I don't know of a problem with the production of e-mails to this day, other than the information that I have received from this particular committee and the concerns that are expressed by the chairman and the members of this committee. I'm not aware—because I'm not aware of and I haven't seen a technical report from my staff which

has defined what e-mails were not included in the Armstrong—the ARMS collection system. Until I have that information, I could not make a conclusion as to whether or not information was provided or not provided.

Mr. WAXMAN. One of the questions that many of us on this committee have is why it took so long for the White House to notify the committee that some e-mails may not have been produced. What is your explanation for this delay?

Mr. LINDSAY. I couldn't provide an explanation for that situation other than the fact that I knew that this was a problem that was very complicated. It is one that, frankly, I didn't completely understand at the time. And it is one where, frankly, Northrop Grumman had sent me a proposal for \$600,000 to assess just what the nature of the problem was. So it was fairly complex.

The transmission or the responsibility for transmitting that information to the committee would be for the counsel's office or other individuals to do, and not for my office and the Office of Administration to do.

Mr. WAXMAN. Now, Mr. Hawkins testified that you and he had what sounded like a heated exchange. What was that all about?

Mr. LINDSAY. Well, I worked very closely with Chairman Kolbe on the Treasury, Postal Appropriations Committee. They had made comments to me about the requirements to making sure that appropriated money we got dollar for value. One of the things that we had done in our attempt to retrieve our money from the fenced funding is I was very, very open with them in exposing our weaknesses and explaining to them the fact that we had—one of the major problems that we had was administering and making sure we got dollar for value from contractors. And the Appropriations Committee essentially said to me, you know, "You need to make sure that you get that kind of value out of the agreements."

So, frankly, from my perspective, when I had a valid contract with a contractor that I had contracted specifically to manage our e-mail system, and I had a problem with that e-mail system, I believed that the work to correct any problem associated with that system was within the scope of the contract and their responsibility to correct without additional remuneration.

Mr. WAXMAN. And what was his position?

Mr. LINDSAY. His position was that they required additional resources.

Mr. WAXMAN. So this is a different picture than what we were presented earlier.

Mr. LINDSAY. Absolutely.

Mr. WAXMAN. Mr. Hawkins acted like you were telling him to keep it quiet, but what he was really saying to you is, "If you want this system fixed, you have to pay me more money to fix it."

Mr. LINDSAY. Yes.

Mr. WAXMAN. Because the problem that you now found yourself in was outside the scope of the contract.

Mr. LINDSAY. Absolutely. And I believed it was well within the scope of the contract. And I—

Mr. WAXMAN. So you were telling him to fix it so you can be sure to have all those e-mails in this ARMS setup so that those e-mails

would be available to any committee or anybody who had the right to get those e-mails?

Mr. LINDSAY. Absolutely.

Mr. WAXMAN. And he was saying to you, "Well, that's your problem, buddy. We've done what we can do, but it's not within the scope of the contract for us to go back and fix it?"

Mr. LINDSAY. Absolutely. And if he had communicated his frustration with me with his superior, the president of the company, to say that they believe that, I would have no objection to that, because I was very much dead set and believed and had been advised by my counsel's office in the Office of Administration that this work was within the scope of the contract and taxpayers should not have to pay more money to have this problem corrected.

Mr. WAXMAN. I don't know enough about the fight between Mr. Hawkins and Ms. Lambuth, but it sounds like he was angry at her for not telling him that there was going to be more work to do, and he wanted her to tell him there might be more work to do so that he could say that that wasn't part of the contract and they would have to renegotiate the contract. Do you know anything about that?

Mr. LINDSAY. I really don't. I do remember that there were—there was friction between the two, but I don't have any other recollection about what specifically was the basis between the differences between those two individuals.

Mr. WAXMAN. Mrs. Callahan, you don't look very menacing to me. If I said to you, "Can I tell my wife about this problem on the e-mails," say back to me, as fiercely as you possibly can, "If you do, you're going to have a jail cell with your name on it."

Mrs. CALLAHAN. I can't even say that, sir. I don't behave that way. I guess I—

Mr. WAXMAN. Well, even if you said it, I must tell you I don't think I'd be too afraid of you, but that's my own subjective sense of you as a witness and these other people seemed to in their testimony say they were terrified that they may go to jail.

They also said, not only were they terrified they were going to go to jail, but they understood you wanted the problem fixed, so they were trying to work with you to fix it. Was that your understanding of what was happening when the problem was discovered?

Mrs. CALLAHAN. Yes, sir. That's my understanding. It was very imperative to us that we find out what the size and the scope of the problem was, and it was critical that we figure out what we needed to do to fix it.

Mr. WAXMAN. Let me just give you an opportunity. Is there anything you want to say, anything you think we need to know about this hearing and all the things that have been talked about today? Any points you think that you should bring out to us?

Mrs. CALLAHAN. There are a couple things I would like to address. It pertains—

Mr. WAXMAN. Let me extend that to both witnesses.

Mr. LINDSAY. Thank you.

Mrs. CALLAHAN. Thank you.

In regards to Mr. Souder's concerns, there was a tremendous amount of friction between Ms. Lambuth and Mr. Hawkins, and it was—it may have been perceived by Mr. Hawkins as a relationship with myself and with Ms. Lambuth; however, I believe, if you talk

with him specifically and look at the record, there was numerous and different occurrences that prompted their friction.

Ms. Lambuth had confided in me that she was pursuing EEO action against Mr. Hawkins, and this was all happening prior to the anomaly being discovered.

In addition to that, as far as being in—I think you might have referred to it as being in “somebody’s pocket,” I am, quite frankly, a career civil servant, and I am not in anybody’s pocket, never have been, and I never plan to be, nor will I ever put myself in that position.

And as far as Ms. Lambuth attending my wedding, I was very happy to see her, and there had never been any acknowledgement of her being threatened or fearful of me prior to when I read it in the Washington Times.

And also, just for fairness, too, Mr. Hawkins attended my wedding shower on September 3rd, as well.

Mr. LINDSAY. The only thing that—

Mr. WAXMAN. Is there anything you want to add?

Mr. LINDSAY. Most certainly.

The only thing that I would like to add is that I worked very, very hard as general counsel to try and create the institutions within the Executive Office of the President and the Office of Administration so you’d have safety valves for people if they did feel uncomfortable, through our EEO office. One of the things that we did is we elevated the EEO office from within human resources to its own division so that it would have its own ability to be able to stand on its own, so individuals would be able to go and communicate any kind of concerns that they had with them quite freely.

The EOP security office was also there, where individuals could have raised issues or concerns about any kind of threats or intimidations or fear.

Both of those offices are run by career staff who, frankly, spent more time working in other administrations than working in this particular administration.

I did everything I could to create that kind of environment where they could feel free to do it. There was no information, absolutely nothing that came to me, my boss, or anyone else who was around me who reported to me that Mrs. Callahan’s conduct was inappropriate or that I had done something that was inappropriate, because the first thing that I would have done at that particular time, if it would pertain to me, is I would have handed it over to the EOP security office and asked them to do an investigation as to what was going on.

And the reason why I would have done that so readily is not only do I believe, as a matter of principle, it’s the correct thing to do, but I didn’t fear what was happening because I knew that I didn’t say or do anything wrong in that respect.

That time period is one where there were lots of difficulties in addressing the Y2K issue and working out our relationship, the bad relationship that we had with Congress. I believe that that was completed within the spirit of what I truly believe, in terms of the respect that I have for this institution and for the institution in which I worked over there, and I was very proud of the fact. And I think if you were to go and talk to folks—the Republicans on that

committee, I think that they would say—and if you look at the transcript of my testimony, that they believe that I was very forthright and direct with them.

And so one of the things that pains me the most in this process is the fact that my reputation, which I worked very hard for, is being sullied by these kinds of charges. I can't provide you with an explanation for what would motivate people to say those kinds of things about me, but all I can tell you is what I do know, and that they are, indeed, false.

Mr. BURTON. The gentleman's time has expired.

Mr. SOUDER. Mr. Chairman, point of personal privilege.

Mr. BURTON. The gentleman will state his point of personal privilege.

Mr. SOUDER. Mrs. Callahan made a reference to something I said, and I wanted to make sure the record was clear. I never accused her, nor did anybody else, of being in anyone's pocket. The charge was that someone else was in your pocket. I keep forgetting the witness' names. I'm sorry. And that if she was, in fact, confiding in you that she was going to possibly sue her superior, I think that kind of proves, to some degree to him today, why he thought that.

But nobody was accusing you of being in anybody's pocket in that sense, and if that was misunderstood, I apologize.

Mrs. CALLAHAN. Thank you. I appreciate that.

Mr. BURTON. Mr. Barr, would the gentleman yield to me briefly?

Mr. BARR. Briefly. Certainly.

Mr. BURTON. Thank you.

I have just a couple of questions.

Mr. Hawkins said that he went to a meeting and they were talking about this issue, and—shut the clock off until this is—would you like to comment, Mr. Waxman?

Mr. WAXMAN. Mr. Chairman, just so we have a clarification and you should start again, I thought we were doing three 10-minute rounds and then 5-minute rounds each. Are we doing something else? Are we giving everybody 10 minutes? If so, we ought to have what the rules are, but this is what we were told on our side was the agreement.

Mr. BURTON. We'll give you 10 minutes, Mr. Waxman.

Mr. WAXMAN. What is your understanding of how you are going to conduct the hearing?

Mr. BURTON. The understanding was that we were going to have 10-minute rounds.

Mr. WAXMAN. Every side? Each side or each Member?

Mr. BURTON. That was my understanding.

Mr. WAXMAN. And that is unlimited rounds?

Mr. BURTON. I don't think we have too many more rounds to go.

Mr. WAXMAN. Well, if that's what you want to do, go ahead and do it, but that wasn't what we were told.

Mr. BURTON. OK.

Mr. WAXMAN. But we also were told that Beth Nolan would testify, and then that was yanked from the agenda without our approval or even being advised of it.

Mr. BURTON. I thank the gentleman for yielding.

Mr. Waxman, I explained the issue of Beth Nolan. You can continue to beat on that horse if you want to, but we have explained it.

Now, Mr. Hawkins said at a meeting that you told him, Mrs. Callahan, that everything was fine before you stepped in. Did you say that?

Mrs. CALLAHAN. No, sir.

Mr. BURTON. So——

Mrs. CALLAHAN. I worked with Betty Lambuth on the situation.

Mr. BURTON. But you said everything was fine. He said that you said, "Everything was fine until you stepped in," referring to—you didn't say that?

Mrs. CALLAHAN. No, sir. I don't understand the——

Mr. BURTON. So not only are the five people lying that testified earlier about what was said at that meeting, but also when Mr. Hawkins talked to you separately at a meeting, you didn't say that, so he's lying, as well?

Mrs. CALLAHAN. I did not have a meeting separate with Mr. Hawkins.

Mr. BURTON. Did you ever meet with Mr. Hawkins?

Mrs. CALLAHAN. I worked with Betty Lambuth.

Mr. BURTON. So you never met with Mr. Hawkins?

Mrs. CALLAHAN. Mr. Hawkins worked with Mark Lindsay and Paulette Cichon.

Mr. BURTON. Did you ever meet with Mr. Hawkins?

Mrs. CALLAHAN. Not on this issue.

Mr. BURTON. Did you ever meet with Mr. Hawkins?

Mrs. CALLAHAN. There may have been a few occasions during my year there.

Mr. BURTON. Did you ever say to him, "Everything was fine until you stepped in?"

Mrs. CALLAHAN. No, sir. I don't recall that.

Mr. BURTON. So Mr. Hawkins is lying and the other five people are lying and you're telling the truth? All five of them and Mr. Hawkins are now lying?

Mrs. CALLAHAN. Yes.

Mr. BURTON. Now, let me ask you a question, Mr. Lindsay.

Mr. LINDSAY. Yes, sir.

Mr. BURTON. You said everybody wanted the problem fixed. That was 2 years ago.

Mr. LINDSAY. Yes, sir.

Mr. BURTON. Two years ago.

Mr. LINDSAY. Yes, sir.

Mr. BURTON. We had a subpoena out in 1997, 1998, and 1999, all pertaining to various investigations that these e-mails would be relevant to or could be relevant to. You said you want—everyone wanted the problem fixed, and here we are today still at ground zero. Nothing is being done. Why is that?

Mr. LINDSAY. First off, I would beg to differ, Mr. Chairman, with the characterization that nothing is being done. A lot was done.

One of the first steps in the reconstruction process was to fix the glitch in the first place. And I will tell you this: I was not happy or glad that it took from June until November to fix the glitch. I would have liked for that glitch to have been fixed a lot sooner.

Mr. BURTON. Yes.

Mr. LINDSAY. The reason why that date in November is very significant is that in November, that very same month, we received the money that we needed to engage in our activities on Y2K.

Mr. BURTON. We are now at March, middle of March, late March of the year 2000. The documents that we have requested or demanded in our subpoenas, as well as the independent counsel and the Justice Department, have not been given to us, so the problem has not been solved. We don't have those documents.

Mr. LINDSAY. I think we're talking about two different problems.

Mr. BURTON. I don't think so.

Mr. LINDSAY. The legal problem of producing the documents that you are looking for, I have no knowledge of what information was provided to you, so I could not testify or provide information to you as to whether the information that is in question was provided or not provided.

Mr. BURTON. You said that everyone wanted the problem fixed, and yet Mr. Barry, in his e-mails that we quoted from today, said he was frustrated. He testified today he was frustrated because he had contacted, I guess, you and others saying, "Hey, this thing has got to be fixed. It's a mess."

Mr. LINDSAY. I don't have any recollection of Mr. Barry communicating with me about that, but I shared and share his frustration with the fact that it wasn't fixed at a more expedited fashion. I would—I had every desire that that would happen. I had every desire and would have welcomed the contractor bringing in whatever the best and the brightest was in their company to address this problem. But we handed the resolution of this issue to our contractor.

Mr. BURTON. You said the best and the brightest, whoever they were, you would be happy to have them brought in, and yet Ms. Crabtree, now Mrs. Callahan, told them not to tell anybody, especially their superiors, about the problem.

Mr. LINDSAY. It is my understanding of Mrs. Callahan's testimony is that she believed that I would communicate with their superiors, and I did.

Mr. BURTON. And you did?

Mr. LINDSAY. Absolutely.

Mr. BURTON. And that's why she said, "Don't tell anybody about this. I don't want you telling anybody about this, especially your superiors?"

Mr. LINDSAY. Like I said, her understanding, as I recollect her testimony, was that I would communicate with their superiors, which I did. I not only had communications with those particular individuals, but I had communications and received a letter—a September 16th letter, I believe—which made reference to this particular matter, which showed that they had knowledge and information about the whole thing, essentially raising the same issue again about payment.

Mr. BURTON. The bottom line is we subpoenaed documents three—over 3 years ago. Relevant documents are probably and possibly in those—possibly in those e-mails. You've known about this, and Mrs. Callahan has known about this now for almost 2 years,

and nothing has been done or delivered to the Congress of the United States.

And when the people who are charged with the responsibility of dealing with this problem testified, they testified that they were threatened about keeping their mouths shut, and yet you folks don't remember anything about it, you don't remember the phone call, she says the five people are lying, plus Mr. Hawkins is lying.

I just tell you—

Mr. LINDSAY. Mr. Chairman—

Mr. BURTON [continuing]. It just boggles my mind that you can't remember a phone call, she says the other six people are lying, and this was two separate incidents. You know, it just—it stretches credulity.

Mr. LINDSAY. Mr. Chairman, my recollection is extremely vivid on the fact that I wanted to have the problem resolved. My recollection is very vivid with the fact that I did convey this information to the appropriate individual.

Mr. BURTON. Yes, you did. You did.

Mr. LINDSAY. My information—

Mr. BURTON. You did. You don't remember the phone call, but within just 2 days after that you sent a memo or participated in writing a memo to Mr. Podesta giving him all the details. I can't—that's why it just boggles my mind you can't remember that phone call.

Mr. LINDSAY. Well, I remember conversations, and I certainly remember, from the time that I worked on the Hill, when Congressman Stokes had a conversation with me, he was my superior, I remembered it. There were plenty of other people who may have come through the office that I may not have had a specific recollection of, and if you were to ask me of the many hundreds or thousands of conversations that I had with individuals during that particular time period, I would not be able to necessarily provide you with the details of those conversations.

There were numerous and there are plenty that were very, very important.

Mr. BURTON. We understand.

Mr. BARR.

Mr. BARR. Thank you.

Both of you went on at some length telling us about awards and background and so forth, and I might have missed this. Do either of you have a law degree or a legal background?

Mr. LINDSAY. I do.

Mr. BARR. OK. Mrs. Callahan.

Mrs. CALLAHAN. I do not.

Mr. BARR. Are these lawyers with you? They haven't been identified, and they have been rather quiet. Are they lawyers with you?

Mr. LINDSAY. Yes.

Mrs. CALLAHAN. Yes, sir.

Mr. BARR. Who are they and who has retained them to be here today?

Mr. Lindsay.

Mr. LINDSAY. Peter Kadzik. And I retained him to be with me today.

Mr. BARR. Personally?

Mr. LINDSAY. Yes, sir.

Mr. BARR. And, Mrs. Callahan, who is this gentleman?

Mrs. CALLAHAN. This is Mr. Ralph Lotkin, and I retained him personally.

Mr. BARR. OK. Thank you.

You may, Mr. Lindsay, be familiar with sort of a common misperception—you may not, Mrs. Callahan, but, for example, one of the statutes in Title 18, which is the U.S. Criminal Code on obstruction of justice, is entitled, “Tampering with a Witness, Victim, or an Informant,” and there is a common misperception that there has to be a specific legal proceeding pending so that when a person who might be charged with obstruction tells a person not to tell somebody something, or intimidates them in some way not to disclose information or a document, or to alter or destroy or mutilate or conceal any documents, that there has to be, in order for obstruction to occur, a specific legal proceeding within the context of which that tampering takes place.

That’s not the case. So if anybody has advised you that there has been no obstruction here simply because there may not have been a specific request pending for these particular documents at the time, that’s not true.

And we do have evidence that you all indicated to persons not to share information, not to disclose information, to withhold information. Now we’re arguing, as your administration is very, very adept at parsing words. Was a person in the room? Did a specific representation or admonition be directed to a particular person at a particular time or to a group of people?

But the fact of the matter is that there is evidence that both of you told individuals, some of whom were here earlier today, to say nothing to anybody else without your explicit authorization; that you were prohibited from disclosing information to other people; that you were to write down as little as possible relating to this matter, not to work on networked computers or to send further e-mails.

And one question that came to my mind, in reading the background of this case and listening to the testimony today, the independent counsel is certainly not an employee, an employer, or a supervisor of these people, neither was or is Mr. Burton, the chairman of this committee, neither is Mr. Hyde, who chaired the impeachment proceedings. All of those things were ongoing. There were consideration of impeachment proceedings; there was this committee conducting a series of investigations; the Office of Independent Counsel, Judge Starr, was conducting a well-known investigation of these very matters about which brings us here today.

I’m not——

Mr. BURTON. The time of the gentleman from Indiana that was yielded to you has expired, and I’ll recognize you now for 10 minutes.

Mr. BARR. Thank you, Mr. Chairman.

The fact of the matter is that it does appear that steps were taken to limit very severely information surrounding a very serious glitch in the White House computer system that related specifically the matters well known to be under investigation by at least three

different bodies—namely, the Office of Independent Counsel, this committee, and the Judiciary Committee.

And, notwithstanding the fact that any one of those particular proceedings might not have been pending at the time, although the work of the independent counsel certainly was pending at that time, that you all took steps, according to testimony—which you dispute. I understand that you are disputing the testimony of other witnesses just as much under oath as you are today. And this is disturbing to us.

Frankly, to say that all of this is simply to be sloughed off as a—I think that one of you all's quote was a "major infrastructure problem," or because there were just too many hearings up here that occupied your time and it might have been a little confusing to deal with this or to remember something relating to this, or—and this is the granddaddy of them—Mr. Lindsay apparently saying that Hawkins was trying to extort money from you or something?

Mr. LINDSAY. It was far from extortion. He was exercising his rights, which were perfectly legitimate, and I did not have an objection to him making the claim that this was outside the scope of the contract. That was 100 percent of his rights to exercise. No argument with him as to that.

Mr. BARR. So you all agree famously.

Mr. LINDSAY. We didn't agree on the conclusion. He had a perfect and 100 percent right to make the assertion that he did and to communicate and to get whatever support from his counsel at Northrop Grumman or whatever superior he wanted to make that particular assertion, and I do not argue with him on that point one iota.

Mr. BARR. OK. Let me go back to the earlier testimony—and I know we've gone over this, but it bears going over again.

Both of you instructed the employees that we've heard from today to say nothing about this matter without your explicit authorization; is that correct?

Mr. LINDSAY. That's not correct.

Mr. BARR. You dispute that.

Mr. LINDSAY. I gave him permission—

Mr. BARR. Do you dispute that, Mrs. Callahan?

Mr. LINDSAY [continuing]. To—

Mr. BARR. No, I'm just—you dispute that?

Mr. LINDSAY. Yes.

Mr. BARR. OK. The others are lying and you're telling the truth is your testimony today?

Mr. LINDSAY. I can only testify about information which I know about. I cannot testify about what the state of mind or what their intentions are in saying whatever they are saying.

Mr. BARR. You do have a legal background.

Mr. LINDSAY. I know the truthfulness of what I say.

Mr. BARR. Very clever.

Mr. LINDSAY. Thank you.

Mr. BARR. Mrs. Callahan, did you instruct these individuals not to say anything to anybody without your explicit authorization?

Mrs. CALLAHAN. I instructed the individuals to follow the current practice that was in place at the time, which was to focus on the issue at hand and get to the—

Mr. BARR. Did you instruct these individuals not to say anything without your explicit authorization?

Mrs. CALLAHAN. I instructed them to refer questions——

Mr. BARR. Yes or no?

Mrs. CALLAHAN [continuing]. To me.

Mr. BARR. You can answer no. I want a yes or a no. That's all. Did you instruct these individuals to say nothing about this matter without your explicit authorization?

Mrs. CALLAHAN. No, I did not.

Mr. BARR. OK. Very nice.

Did you, both of you or either of you, specifically prohibit them from disclosing these matters or any information relating thereto to coworkers or spouses?

Mrs. Callahan, yes or no? Did you so instruct them?

Mrs. CALLAHAN. No, sir. I just instructed them on the procedures.

Mr. BARR. Did you, Mr. Lindsay.

Mr. LINDSAY. No, I did not, sir.

Mr. BARR. OK. Did either of you instruct these individuals or any of these individuals, collectively or individually, to not write any information down or as little information down on a record about these matters?

Did you instruct anybody along those lines, Mrs. Callahan?

Mrs. CALLAHAN. No, sir.

Mr. BARR. OK. And Mr. Lindsay.

Mr. LINDSAY. No.

Mr. BARR. OK. Did either of you indicate to anybody not to work on any networked computers or send any further e-mails relating to this project?

Mr. LINDSAY. No, sir.

Mr. BARR. Mrs. Callahan.

Mrs. CALLAHAN. No, sir.

Mr. BARR. OK. Neither of you, though, I presume, instructed these individuals to be as forthcoming and truthful as possible if anybody asked them about any of these questions? Or are you going to go so far as to say you encouraged them to talk about these things?

Mr. LINDSAY. Your statement is "anybody."

Mr. BARR. Any of these individuals, not anybody. I'm talking about any of these individuals that we're talking about here today, Mr. Lindsay.

Mr. LINDSAY. What I wanted them—the information that I conveyed to Mr. Hawkins or the Northrop Grumman leadership and to Laura was that the individuals who needed to have information about this matter to solve the problem, I had no problems with them communicating with it.

Mr. BARR. What about if the independent counsel had asked about it or a congressional committee?

Mr. LINDSAY. I've got no objection whatsoever. They were perfectly free, and there was nothing at all that I could do or would do to stop them from communicating that.

Mr. BARR. If we believe you.

Mr. LINDSAY. Excuse me?

Mr. BARR. If we believe you——

Mr. LINDSAY. Absolutely.

Mr. BARR [continuing]. That you did not do any of these other things, which the witnesses have said that you did.

Mr. LINDSAY. The truth is that I would not have had within my power or stop them or had any means to stop them from communicating with whomever they wanted to communicate about the work that they had. It was my desire that they communicate this information to those individuals who were necessary to solve the problem. It was my hope that they would respect that in the interest of the individuals who could possibly be harmed by sharing of this information in idle gossip.

Mr. BARR. What idle gossip are we talking about? I didn't know we were talking about idle gossip.

Mr. LINDSAY. If someone were to say or to convey that, "Hey, your name showed up on this particular list and this is what e-mails—this is what information is contained in those e-mails."

Mr. BARR. I really don't think that that's what we're talking about here at all. We're talking about something a little bit more systematic than idle gossip here. What we're talking about here is a serious problem with a computer system that appeared, to technical individuals charged with responsibility for it, was missing perhaps a great deal of information. I don't think we're talking about idle gossip, and I really don't think that that's what these individuals came away from, that you simply told them not to engage in idle gossip.

Mr. LINDSAY. My testimony was and continues to be that I have no, had no, will have no objection to them communicating to any individuals that were necessary to resolve the problem.

Mr. BARR. And that's—forgive me if I say that's all fine to talk about that today, but there is testimony under oath on the record that is quite contrary to that. And the fact is—I mean, I know you all keep saying this, that simply because you had no legal authority to fire somebody or to terminate a contract, therefore, of course, you couldn't have even made such a statement. I mean, that's just bogus.

Mr. LINDSAY. That's not the only reason, sir.

Mr. BARR. I didn't say that that was the only reason. What I'm saying is both of you all have made those statements, and they're absolutely meaningless. People make threats all the time, even though they may not be in a legal position to carry out those threats or have the legal authority or power to do it. But, thankfully for Federal prosecutors, that is not required under the obstruction statute. You don't have to actually have the power to follow through on your threats or the legal authority to do so to be guilty of obstruction.

Mr. LINDSAY. Sir, the obstruction statutes wouldn't be the reason why I wouldn't do it. The—my moral code would be the reason why I wouldn't do it.

Mr. BARR. Just like you can't get in the minds of the other witnesses, I can't get into your mind, so, I mean, certainly that's—I hear what you're saying, and they're very self-serving statements, and they're delivered very eloquently and repetitively and I understand that. But my concern, as—perhaps as a former prosecutor and somebody that, unfortunately, had to spend a great deal of

time over the last 2 years looking at these obstruction statutes, that we're faced with a situation very similar to some of the considerations we looked at in the—fact situations that we looked at in the Judiciary Committee, where there is pressure brought to bear on people with information that is or might be relevant to an investigation or an official proceeding.

And it's not idle gossip, Mr. Lindsay. What we're talking about here are matters involving people of interest to the Office of Independent Counsel, to an impeachment proceeding of this House, and to the oversight responsibilities of this committee. These are very serious matters.

Mr. LINDSAY. Absolutely, sir.

Mr. BARR. And when we are faced with several witnesses who state under oath, both in court proceedings and before this body, that there was pressure, that there were threats made, and we hear that from several different people, we're not going to disregard it just because you all come in here with very long pedigrees that you tell us about and expect us to think that, just because you have all these degrees and have all these awards and some people came to your weddings, that none of this ever happened. We are going to look at it a little more carefully than that.

Mr. LINDSAY. I would hope. I mean, I believe that there is more than that that supports what I'm saying and what Mrs. Callahan is saying. I believe that the record is replete with examples of why the story that I am saying is supported.

First, these people and people at Northrop Grumman made the argument to me as to why this should be something that was arguing within the scope of the contract. What was within the scope of the contract? How would they know it wasn't within the scope of the contract if they didn't know what work was to be performed? They knew about it. I made—

Mr. BARR. My main concern is—

Mr. LINDSAY [continuing]. No objection.

Mr. BARR. My concern with obstruction of justice does not hinge on whether something was technically within the scope of the contract or not.

Mr. LINDSAY. I understand that.

Mr. BARR. We're looking at the underlying data base, the underlying information that, by every appearance, was relevant to ongoing investigations of this Congress and the independent counsel.

Mr. BURTON. The time of the gentleman from Georgia has expired.

Mr. Waxman, the ranking member, would like us to clarify for the record—and let me just say this—we originally agreed to three 10-minute rounds and then go to 5-minute rule. The minority has agreed to go to 10-minute rounds instead of the 5-minute rounds. Just a clarification for the record.

With that, for 10 minutes I recognize the gentleman from California, Mr. Horn.

Mr. HORN. Thank you very much, Mr. Chairman.

Mrs. Callahan—

Mrs. CALLAHAN. Yes, sir?

Mr. HORN [continuing]. Tell me, you were in the Office of Administration at the White House; is that correct?

Mrs. CALLAHAN. That's correct. The Office of Administration for the Executive Office of the President.

Mr. HORN. Right. And when did you join that office?

Mrs. CALLAHAN. September 30, 1996.

Mr. HORN. 1996?

Mrs. CALLAHAN. Yes, sir.

Mr. HORN. And what were you paid?

Mrs. CALLAHAN. Excuse me?

Mr. HORN. What was your pay scale?

Mrs. CALLAHAN. I was a GS-14.

Mr. HORN. GS-14?

Mrs. CALLAHAN. Yes, sir.

Mr. HORN. Were you on loan from an agency?

Mrs. CALLAHAN. No, sir. There was a vacancy announcement that I competed for and was selected for.

Mr. HORN. Did you have people that reported to you in that Office of Administration?

Mrs. CALLAHAN. Initially, sir, when I was the program manager for the Lotus Notes and Windows/NT environment, the folks that I worked with were mainly contractors, because that function was contracted out.

Mr. HORN. Well, are these one or two people you had reporting to you? I'm trying to get the line. And did you have a staff working for you?

Mrs. CALLAHAN. It was a mixed staff between Federal and contractors, and the contractors—when I was initially hired on as the Lotus Notes-Windows/NT program manager, the after 6 p.m. bulk of the people were all contractors, and I worked through the contract supervisors.

Mr. HORN. Now, these are different contracts than the one we've been talking about today?

Mrs. CALLAHAN. Yes, sir. The contract changed in 1997. In October 1997, the previous contractor left and Northrop Grumman came on board in a very tenuous and tumultuous contract turn-over. It was very stressful.

Mr. HORN. Well, I'm sure it was. I'm amazed sometimes what happens to them, and it doesn't matter whether they're Democrats, Republicans, Conservatives, Liberals—doesn't matter. But they change, and they get into the White House atmosphere. First thing they do is pick up the phone and call their mother, usually, and they start writing on White House stationery and all that. And some who have been on the Hill suddenly, or for the President as dictator down there, we're all idiots. So I have been used to that. And I'm just curious if it could be possible that someone on your staff used the word "jail" and whatever, if you sent them over there to scare the people or just make sure there wouldn't be any leaks. I can understand that, if you don't want any leaks, and somebody might have blurted out "jail" or whatever.

Is that possible? Would anybody on your staff have done that?

Mrs. CALLAHAN. I can't attest to what staff members would say, sir. All I can do is tell you what I know and what I said as an individual, and I did not use the term "jail."

Mr. HORN. Well, did you ever send any of your staff over to talk to the people that have been before us on panel one this year?

Mrs. CALLAHAN. No, sir. I worked directly with Betty Lambuth.

Mr. HORN. I can't hear you. It's very difficult. Would you put that closer?

Mrs. CALLAHAN. All right. No, sir. I said I worked with Betty Lambuth directly. She was the leadership individual on the contractor's side that was responsible for supporting the day-to-day activities for the contract in order to keep the e-mail systems running.

Mr. HORN. Was there anything, when you talked to her, that could have led her to say, "They threatened us with jail if we spilled the beans on anything here?"

Mrs. CALLAHAN. Nothing that I would have said to her, sir. No.

Mr. HORN. OK. So you can't think of any words—it's not unreasonable, if you have been charged by the Office of Administration, to say, "Get that contract moving, and why don't you go over there and tell them something," I can see that happening in any White House, so I'm just curious if that happened and you went over there because the heat was on you to get that contract moving.

Mrs. CALLAHAN. No, sir. The only heat that was on me was to find the scope and depth and breath of the problem, and that was the heat that I reiterated to Betty Lambuth. It's a fact that we needed to find out, technically speaking, what was the problem and how to approach it and what did we need to do to fix it. And then, after that, I left with my involvement on this particular project.

Mr. HORN. Did anybody else act in your name in the next few weeks?

Mrs. CALLAHAN. It would be up to my immediate supervisor, who was Kathy Gallant, to address that issue.

Mr. HORN. And did she ever meet with any of the people in the contract that Northrop Grumman had?

Mrs. CALLAHAN. I don't have first-hand knowledge, but what I heard today was some references to Kathy Gallant, so I would assume there had been some discussion.

Mr. HORN. Well, I just—you obviously have a lot of talent or you wouldn't be down there in the Department of Labor, presumably, in charge of a technology center, but I have seen strange behavior by Democrats and Republicans when they get in the aura of the White House, and I just wonder. Sometimes people are going to blow their stack at people and don't even think about it. They go back to the office and say, "I guess I told them, and maybe they'll do it," or not do it, as the case may be.

And that couldn't have happened to you when you were just sort of fed up with the contract administration?

Mrs. CALLAHAN. No, sir. I don't blow my stack. In fact, folks that know me and have worked with me, they have a joke on the back side of things in that they are waiting for the day when I do lose my temper because they've never seen that happen yet, and so they joke about that with me.

Mr. HORN. Well, I think I'd probably agree with them that I wouldn't want to be around you when you had one of those explosions, but just wondering how you're feeling.

So let me move on, Mrs. Callahan.

Did you report the problem that would come up with this computer contract at any time to any other White House employee?

Mrs. CALLAHAN. I reported the problem with the e-mail anomaly to Mr. Lindsay. I didn't deal with any issues involving the contract. That wasn't within the scope of my responsibilities, nor do I have that expertise.

Mr. HORN. So it was—you initially reported to Mr. Lindsay then?

Mrs. CALLAHAN. Yes, sir.

Mr. HORN. On that.

Mrs. CALLAHAN. My immediate supervisor, Kathleen Gallant, was not there, and I do not recall why. Paulette Cichon would have been the next in the chain of command, and she was out of the office at the time when I went to look for someone to notify, and in which case I saw Mr. Lindsay in his office, and, as the chief of staff, I notified him that we had another anomaly.

Mr. HORN. How about, did you report it to Ada Posey?

Mrs. CALLAHAN. No, sir.

Mr. HORN. You did not. What was Ms. Posey's position?

Mrs. CALLAHAN. She was the director of the Office of Administration.

Mr. HORN. And you didn't report to her?

Mrs. CALLAHAN. No, sir.

Mr. HORN. Well, who in the hierarchy of the Office of Administration did you report to?

Mrs. CALLAHAN. I reported to Kathleen Gallant.

Mr. HORN. And what was her title?

Mrs. CALLAHAN. She was the associate director for information systems and technology in the Office of Administration.

Mr. HORN. Now, did she report to Ada Posey?

Mrs. CALLAHAN. She reported to Paulette Cichon.

Mr. HORN. And what was her title?

Mrs. CALLAHAN. I'm not sure of her exact title, sir. I wouldn't want to misrepresent it.

Mr. HORN. How about Virginia Apuzzo? What was her position?

Mrs. CALLAHAN. Virginia Apuzzo, to my understanding, was the special assistant to the President for management and administration, and the chain of command, sir, would be, the way I understood it, was Ms. Virginia Apuzzo, Ms. Ada Posey, and then Paulette Cichon, then Kathleen Gallant, and, of course, Mr. Lindsay, working with Ms. Posey as the chief of staff.

Mr. HORN. Now, could it be possible that when you gave him a report that, "Hey, this thing isn't working," that they sailed over there and said something to the staff?

Mrs. CALLAHAN. You would have to ask them, sir. I can't speak for them.

Mr. HORN. Well, you're saying you don't have any knowledge that anybody above you in the hierarchy went saying, "Look, I'm tired of all this mess—" and I can believe that. I've had a few computer things where they just don't tell you the truth, and so you get really wound up. So did any people above you say, "Look, we've had it with them. Let's go and tell them a few things?"

Mrs. CALLAHAN. In my brief interaction with this situation—again, I was only involved for about the first week or two with the problem—I don't recall any of the occurring, but I can't say what happened after I was off of the project.

Mr. HORN. When was the White House counsel's office first informed?

Mrs. CALLAHAN. I'm not sure, sir. That wasn't in my job or my duty to inform them of anything.

Mr. HORN. And was the informant in the counsel's office Mr. Lindsay? Is that the one people reported to, generally, with this problem?

Mrs. CALLAHAN. I reported the problem to Mr. Lindsay, and then after that I understand that Kathleen Gallant and Paulette Cichon took over the management of the project, and I'm not sure what the reporting chain was that they established.

Mr. HORN. Well, can you tell us about everyone who was told about the problem? I mean, how many people were in on what was going on over there?

Mrs. CALLAHAN. The Lotus Notes team, which were all the contractors, Mr. Lindsay, myself, Paulette Cichon, and I understand Kathy Gallant, too, as well, because when she came back from her absence she notified me that she was taking over the project, so someone had briefed her by then.

Mr. HORN. Did you report the problem to Michelle Peterson on the White House counsel's staff?

Mrs. CALLAHAN. No, sir. I don't know Michelle Peterson. I just know of the name.

Mr. HORN. So you didn't—you're saying that Mr. Lindsay was the only person in the Office of White House Counsel that had knowledge, at least from you?

Mr. LINDSAY. I wasn't in the Office of—I was general counsel for the Office of Administration, not in the Office of White House Counsel.

Mr. HORN. I see. So you were in the Office of Administration?

Mr. LINDSAY. Correct, sir.

Mr. HORN. OK. Now, did you report to anybody, either one of you, in the counsel to the President's Office?

Mr. LINDSAY. Did I tell them about the problem?

Mr. HORN. Right.

Mr. LINDSAY. Absolutely.

Mr. HORN. OK. Did you ever do that, Mrs. Callahan?

Mrs. CALLAHAN. No, sir. I informed Mr. Lindsay.

Mr. HORN. Did anyone else, to your knowledge, in the White House counsel's office—who did you brief there?

Mr. LINDSAY. I was directed by the assistant to the President for management and administration to talk to Charles Ruff, and I did.

Mr. HORN. The counsel?

Mr. LINDSAY. The counsel.

Mr. HORN. Yes.

Mr. BURTON. The gentleman's time has expired. If you have further questions, we'll get back to you.

Mr. Mica.

Mr. MICA. Thank you, Mr. Chairman.

Mr. Lindsay, you said—

Mr. LINDSAY. Yes, sir?

Mr. MICA [continuing]. It was your job to see that searches requested by the White House counsel were conducted; is that correct?

Mr. LINDSAY. No. The searches by the White House counsel were—the language and the definitions went directly from the White House counsel's office to a member of White House staff who performed the search. It did not go through me.

Mr. MICA. So what did you do? You said you were primarily a conduit? You never conducted any searches? What were you—what was your role?

Mr. LINDSAY. I was the general counsel. We had—we performed services which ranged from procurement, the——

Mr. MICA. But you're saying you never conducted any searches?

Mr. LINDSAY. I was only involved in one search, only one in the entire time.

Mr. MICA. Which was that one?

Mr. LINDSAY. That was the one where folks from the counsel's office gave me four names, which I conveyed to folks in—my technical folks, who performed the search. That is the only search.

Mr. MICA. But you—other than that, you were not interested in any information that had been obtained, right? You were just—your job was to see that things were executed in an administrative fashion?

Mr. LINDSAY. This——

Mr. MICA. Making sure the systems worked, etc. Otherwise, why would Mrs. Callahan tell you that things weren't working?

Mr. LINDSAY. Right. I mean, it was——

Mr. MICA. That was your role.

Mr. LINDSAY. Right. Exactly—to maintain the systems and to provide advice and guidance.

Mr. MICA. Now, Mrs. Callahan testified earlier that she came and told you that there was a technical problem, right?

Mr. LINDSAY. Yes, sir.

Mr. MICA. Did she also tell you that people were—that someone had uncovered some information regarding—relating to Ms. Lewinsky or some matters?

Mr. LINDSAY. I have a recollection of that.

Mr. MICA. She did tell you. When you conveyed your information to Mr. Ruff, did you tell him that there was just a technical problem, or did you tell him that there was also information relating to this matter or any other matter under investigation being disclosed that it was uncovered and discussed, being discussed?

Mr. LINDSAY. I was not in the position to tell the counsel to the President what matters were under investigation and which ones were——

Mr. MICA. I'm not asking you that. What she told us earlier, she told us earlier that Mr. Haas is out in the hall and there were people out in the halls discussing some of this, and Mr. Haas was like a little—I think she used an analogy of a child getting a Christmas present. He found information and there were things being disclosed.

Now, you told me you were primarily technical and administrative and she was telling you that the system was broken, there was something wrong.

Mr. LINDSAY. Not technical. I wasn't a—I'm not a technical person.

Mr. MICA. She told you that there was something wrong, right?

Mr. LINDSAY. Correct, sir.

Mr. MICA. OK. And she also told you that they were talking about some of the information they found?

Mr. LINDSAY. That is correct, sir.

Mr. MICA. OK. And I asked you: did you tell Mr. Ruff there was a technical problem, or did you convey some of the information that she gave you on up?

Mr. LINDSAY. I know that I conveyed to Ruff that there was a technical problem.

Mr. MICA. And beyond that tell me, because I'll ask Mr. Ruff this question under oath. You told him some of the other information, too?

Mr. LINDSAY. I may have or may not have. I don't have a recollection.

Mr. MICA. You don't recall?

Mr. LINDSAY. I don't recall.

Mr. MICA. OK. And you don't recall—let me get to Mrs. Callahan a second here.

Tell me how you conveyed to those folks—you said you advised employees of the need to maintain confidentiality. I could go back and get the exact record. Was that what you did?

Mrs. CALLAHAN. Sir, I advised them that they needed to focus on the technical problem, because there was—

Mr. MICA. Did you say anything about confidentiality?

Mrs. CALLAHAN. I told them we had a sensitive situation and we needed to work on figuring out the problem and that we shouldn't be just—

Mr. MICA. But three of them thought they were threatened or that you mentioned going to jail, in some degrees. All of them who testified said that they were told not to tell their spouses or talk about it outside.

Tell me how—tell the committee what you told those people.

Mrs. CALLAHAN. OK. To the best of my recollection and understanding, I told them that there had been some discussion going on in the hallways—again, the fact that Mr. Haas had raised the issue about e-mail dealing with Monica Lewinsky and Ashley Raines was unusual, because we had not asked for that information at this point in time.

Being that there was some information being discussed in the hallways very loosely, knowing the situation that was going on, we obviously were not putting our attention on the technical issues to figure out what the problem was.

So, with that understanding, I advised them that they needed to focus on the technical issues—

Mr. MICA. That they shouldn't even tell their spouses about this?

Mrs. CALLAHAN. Well, I told them if anyone had any questions, refer them to myself or Mr. Lindsay.

Mr. MICA. The thing about their spouses, they're all five of them not telling us—telling us that that—they all heard part of this. You don't recall that?

Mrs. CALLAHAN. I don't recall addressing their spouses, sir.

Mr. MICA. You recall the conversation, though, passing on the information about Mr. Haas to Mr. Lindsay, what was going on in the hallways?

Mrs. CALLAHAN. Yes, sir.

Mr. MICA. Do you remember getting Mr. Lindsay on the telephone to reiterate what you had said as far as your need to maintain confidentiality? Did that occur or did that not occur?

Mrs. CALLAHAN. No, sir. I do recall getting Mr. Lindsay on the phone and he was——

Mr. MICA. Mr. Lindsay, you don't recall that conversation at all?

Mr. LINDSAY. No, I don't. It very well might have happened, if Laura said——

Mr. MICA. They all remember the conversation, and they remember it as a reinforcement to the warning they'd had from you about confidentiality. Why did you institute that need to bring Mr. Lindsay into this?

Mrs. CALLAHAN. Well, sir, first of all, it was brought to my attention by Betty Lambuth that she was having difficulty with her own employee being able to focus on the effort because he was in the hallway talking about it.

Mr. MICA. And you had told him about this, and he knew that there were people talking about what they'd found, and then you got him on the phone to help keep them quiet; is that correct?

Mrs. CALLAHAN. I got Mr. Lindsay—Mr. Lindsay actually wanted to be on the phone call to reiterate the standard practice and focus on the technical issues.

Mr. MICA. Oh, so he volunteered to you to be on the phone after you told him what was going on?

Mrs. CALLAHAN. Yes, the——

Mr. MICA. You didn't ask him?

Mrs. CALLAHAN. No, sir.

Mr. MICA. You don't—do you recall, Mr. Lindsay, asking to be on the phone so you could tell——

Mr. LINDSAY. My previous testimony is I didn't remember the conversation.

Mr. MICA. They all—everyone testified today that they were told to keep a lid on this, and they remembered the conversation with you very well. And now she's telling us that you asked for that conversation. But you don't recall that conversation?

Mr. LINDSAY. I may have asked for that conversation. I have no recollection of asking for the conversation. And if I did, I don't—you have to understand, sir, I didn't know these people, particularly at this particular time. The concept of me discussing with these people or making threats to people——

Mr. MICA. You've already told us you were only interested——

Mr. LINDSAY [continuing]. Who I did not know——

Mr. MICA [continuing]. In getting the technical things correction, but now we find out that, in fact, you knew—and we heard this Mrs. Callahan tell us today that they had—that they were talking about information relating to—did you say Raines and Monica? What did you say? Who did you say?

Mrs. CALLAHAN. The two individuals were Monica Lewinsky and Ashley Raines.

Mr. MICA. OK.

Mrs. CALLAHAN. That was brought to my attention by Betty Lambuth.

Mr. MICA. And you don't remember how specific you were with conveying this information to those above you, like Mr. Ruff; is that right, Mr. Lindsay?

Mr. LINDSAY. I remember being very specific about the technical problem and the fact that incoming e-mail was probably not being ARMS managed. I remember being very specific about that.

The record shows that that was the emphasis of any conversation I may have had.

Mr. MICA. Mrs. Callahan, it appears this morning they testified that there may be tens of thousands of e-mails that we've never seen. Is that a good estimate?

Mrs. CALLAHAN. I don't know, sir. I did not see that quantity.

Mr. MICA. You did not? The system was broken. It wasn't fixed. We weren't able to retrieve that information.

It also sounds like Ms. Lambuth was removed from her position, and she claims that there was a slow-down and basically a trying—an effort to try to stop all of this. Did you see any of that?

Mrs. CALLAHAN. I was only involved in the very, very beginning for a short period of time. I didn't see that during my brief involvement, and I cannot say what happened after I was off the project.

Mr. MICA. Do I still have time, Mr. Chairman?

Mr. BURTON. You have 25 seconds.

Mr. MICA. So it appears, Mrs. Callahan, that you were concerned about more than just the technical problem; you were concerned about leaks of information, people talking in the hall and people conversing about what they had found; is that correct?

Mrs. CALLAHAN. No, sir. I was concerned about them putting their time and effort and energy into fixing the problem and not talking about what if and would have, could have, should have type discussions in the hallway, and that's why I—

Mr. MICA. But you did mention both the technical problem and the leaks to Mr. Lindsay; is that correct?

Mrs. CALLAHAN. I advised Mr. Lindsay of the technical problem and the two names that were involved in what Mr. Haas disclosed to Ms. Lambuth.

Mr. MICA. Thank you, Mr. Chairman.

Mr. BURTON. Mr. LaTourette, it is nice to have you back.

Mr. LATOURETTE. Thank you, Mr. Chairman.

I want to apologize to the panel. I was up doing something else and I didn't hear your testimony, but I have had the chance to review it with my staff.

I want to begin by saying something nice about you, Mr. Lindsay, and disclose to my colleagues that Mr. Lindsay this week called me and offered to come into my office and did come into my office and spent an hour with me and answered any question that I might have, and I appreciate that, and I think that that occurred as a result of his former association with Congressman Louis Stokes, for whom I have the greatest admiration and was proud to serve with Congressman Stokes before his retirement.

That being said—and so I thank you for that courtesy, but, that being said, when I practiced law, we used to have an expression that you could have five people see the same accident and nobody would remember it exactly the same, but, likewise, you would be hard-pressed to find somebody that said that there wasn't an acci-

dent. You know, someone may say the car was blue and one may say—you know.

And I did sit through the first panel, and I have to tell you that we had that kind of situation with the first panel, where everybody's recollection might have been slightly different, but everybody saw an accident.

And if we go in degrees of things, Ms. Lambuth was pretty strident in her observations and her recollections, Mr. Haas even made the comment—and I think when Mr. Waxman was questioning him—he said in your presence—and congratulations on your marriage. I understand you married a Secret Service agent, and I congratulate you on that, because I would have called you Ms. Crabtree if I hadn't known that—but that he was flippant, and that's how this "there's a jail cell with your name on it" thing came about. He sort of made a joke about it. And so it wasn't just, you know, people coming in hammering, saying, "jail cell, jail cell," we felt threatened.

And then Ms. Golas, I mean, she didn't look like a trouble-maker to me, so I hope you realize—and I'm not going to beat this drum again, but the testimony that you present, the two of you, is in stark and direct contrast with five or six people that we had in here earlier, and it is troubling to me, and I know, from the questions you've received from my colleagues, it is at least troubling to them. So I'm not going to focus on that.

I do want to talk about a couple of things that came up in our conversation, Mr. Lindsay, and maybe you can sort of expound on them and tell us what it is that you think.

My understanding is that you still have not entered into a contract to reconstruct the data from the mail server two. You're taking bids on that now; is that right?

Mr. LINDSAY. That's correct, sir.

Mr. LATOURETTE. And, again—and I made notes, but you can correct me if I'm wrong—that one estimate that you received was that this would cost between \$2 and \$3 million and it would take about 211 days to fix, do the reconstruction of these e-mails that we still have—nobody has seen.

Mr. LINDSAY. That's correct, sir.

Mr. LATOURETTE. OK. And I think I mentioned to you at the time that the suspicious among us—and there are some suspicious people in Congress. I try not to be one, but I get more suspicious as time goes by—

Mr. LINDSAY. Yes, sir.

Mr. LATOURETTE [continuing]. That if I pulled out a calendar and added up 211 days, 211 days from letting a contract would coincide rather nicely with the election wherein we elect either Vice President Gore or Governor Bush to be the next President of the United States.

Are you troubled by that at all? In other words, 2½ years has gone by, and now you may be entering into a contract that's going to take us past the election, so these things will remain sealed more?

Mr. LINDSAY. Yes, sir. I would like to have those e-mails. If I could have the e-mails reconstructed within a shorter period of time—and take my word for it, that those estimates that we have

are not the end of the story. We are continuing and will continue the try and find something that can put this—resolve this issue quicker. And I believe that there are—I’ve certainly gone back, and, after our conversation, I went back and talked to our folks and said, “Isn’t there any way we can do any better?” And I think our folks are going to apply their best analysis or best methodologies trying to find somebody who can do this work faster, because I think that’s the quickest way to get this issue resolved.

Mr. LATOURETTE. I hope so. And I think that also—I want to talk about the decision to not reconstruct this Mail2 server. You know, the other panel said you stopped the bleeding and no longer are e-mails coming into the White House not captured on the ARMS system, but we still have this body of stuff while there was a problem.

Mr. LINDSAY. Yes, sir.

Mr. LATOURETTE. And, obviously, somebody made a decision to not reconstruct this Mail2 server. And, again, relying on my memory of our conversation, you indicated that you attended a Cabinet meeting where in the President and the Vice President were there, and there was a discussion about Y2K compliance. And, if I remember your exact words to me, is the Vice President very clearly said that the White House is not going to be the poster child for Y2K noncompliance. Do you remember that meeting and indicating that to me?

Mr. LINDSAY. That actually was information that was provided to me by the assistant to the President for management and administration in a Cabinet meeting, I believe, that she attended.

Mr. LATOURETTE. OK.

Mr. LINDSAY. And that the importance of making sure and her looking to me to make sure that we weren’t the ones that failed in our Y2K effort.

Mr. LATOURETTE. Gotcha.

Mr. LINDSAY. Correct, sir.

Mr. LATOURETTE. And so, as a result—and, again, if you’ve been asked this already, a decision was made to concentrate on Y2K and things like reconstructing the Mail2 server were—sort of fell by the wayside; is that right?

Mr. LINDSAY. That, amongst many, many other projects.

Mr. LATOURETTE. But was that decision yours in your position at the OA? Did you make the decision to not reconstruct the Mail2 server until you became Y2K compliant and these other things were taken care of?

Mr. LINDSAY. In November 1998, I was the chief of staff and general counsel. I wasn’t the director and I wasn’t the assistant to the President for management and administration at that time, so I couldn’t make that decision unilaterally.

Mr. LATOURETTE. Did you discuss the fact that you had five or six projects out there pending, and one of them was the reconstruction of the Mail2 server—

Mr. LINDSAY. Yes.

Mr. LATOURETTE [continuing]. With a superior?

Mr. LINDSAY. Absolutely. And I will say this: that it was my recommendation, based on the technical review that my staff provided to me, that the mission-critical systems for which our e-mail sys-

tem was one was our No. 1 priority for Y2K reconstruction, so that certainly was something I conveyed to the director of the Office of Administration and to the assistant to the President for management and administration, so that was my recommendation.

Mr. LATOURETTE. Who was the director?

Mr. LINDSAY. Ada Posey.

Mr. LATOURETTE. OK. And there was an acquiescence by Ms. Posey that the reconstruction of this server could wait until you did other things?

Mr. LINDSAY. I don't remember it being necessarily an acquiescence. I think that there—and I don't remember—keep in mind, it wasn't a discussion about this particular matter. It was a discussion about a whole list of mission-critical projects, which we were—we had to provide to Congress and to other people as to what our priorities were, and in our budget discussions. So it was a matter of looking at this stack of information, and then the other stack of information, and placing the priority on the mission-critical systems and those mission support systems which were more critical than others.

Mr. LATOURETTE. Gotcha. Now, the fact that this body of e-mails is not loaded into the ARMS system makes the Executive Office of the President non-compliant with certain Federal rules and regulations and laws, does it not?

Mr. LINDSAY. Not to my knowledge.

Mr. LATOURETTE. Well, isn't it required by the Federal Records Act that these documents be loaded into a retrievable—electronically automatic retrievable system?

Mr. LINDSAY. It was—our analysis at the time is that the fact that we maintained the records, as a matter of fact, on the desktops where they were on the server, and the fact that we maintained the information on backup tapes meant that we were preserving the information in compliance with the Federal Records Act.

Mr. LATOURETTE. OK. But the fact of the matter is that, although, if I understood Mr. Barry when he was here before, although on the hard drives—for instance, take this Lewinsky e-mail that began some of this nonsense—that there was a couple responses, you know, with whoever her friend was, Raines, or whoever the friend was, that you could see one side of a conversation—

Mr. LINDSAY. Yes.

Mr. LATOURETTE [continuing]. But you couldn't see Lewinsky writing into the White House, if I understood that right. So you couldn't reconstruct this information just by looking at the hard drive, because the stuff that wasn't being captured wasn't on the hard drives, because he would have—that's where he would have been looking, is it not?

Mr. LINDSAY. Well, what that information meant was that it was ARMS managed, so the information wasn't on the ARMS system. That does not mean that those e-mails were not on people's computer systems.

Mr. LATOURETTE. OK. Well, let me—I want to shift gears, because 10 minutes goes awfully quickly on this thing—

Mr. LINDSAY. Yes, sir.

Mr. LATOURETTE [continuing]. And I want to talk about the Office of the Vice President.

Mr. LINDSAY. Yes, sir.

Mr. LATOURETTE. We've been talking about this particular problem and the fact that incoming e-mails weren't captured on this Mail2 server. Are you aware today in your position that the Office of the Vice President continues to have a similar problem?

Mr. LINDSAY. I am aware of the fact that there are problems, but this is something that I've just most recently been apprised of.

Mr. LATOURETTE. But, specifically, let me just read you what I think is going on, and you can tell me whether you know about it or not.

Mr. LINDSAY. Yes, sir.

Mr. LATOURETTE. And that is that the Office of the Vice President set up their own system when they, I assume, took office, or whatever, or maybe the Vice President invented his own system, based upon—I don't know.

Mr. LINDSAY. I don't know.

Mr. LATOURETTE. But, anyway, that there was no capturing of e-mails into the Office of the Vice President under the system that they—in an ARMS system under the program that the Office of the Vice President established. Do you know that to be so?

Mr. LINDSAY. I have been told that there are some e-mails from the Vice President's office which have not been captured by ARMS.

Mr. LATOURETTE. And, specifically, in 1997, they went onto this Lotus Notes program that we have been talking about all day, but still the program—the e-mail accounts that existed before 1997, principally the Vice President's account and 27 other accounts, the ARMS system is still not capturing e-mails from outside the White House into the Office of the Vice President. Do you know that to be so?

Mr. LINDSAY. I do not know that to be so. It may be true, but I just don't know. I don't have any knowledge.

Mr. LATOURETTE. Is that something that your office would have responsibility and Mrs. Callahan would have responsibility and then looking into overseeing and correcting, as you did with the Mail2 server problem?

Mr. LINDSAY. Absolutely. I felt a little bit handicapped because of this ongoing investigation. I have been very, very careful about my communications with our technical staff to make sure that there was no even appearance of impropriety in terms of me making any inappropriate communications with them. So, frankly, I have not been the one looking into this matter and have not questioned our technical staff on the details of this matter.

Mrs. CALLAHAN. Mr. LaTourette, if I may please?

Mr. LATOURETTE. Sure.

Mrs. CALLAHAN. Just to clarify, sir, since you weren't here earlier, I left the Executive Office of the President back in October 1998, so I am no longer there or have any ability to offer anything in that regard.

Mr. LATOURETTE. I thank you. And, if I could just ask one more question—and then I promise I'll be quiet—I just—this problem with the Office of the Vice President looks exactly like the problem with the Mail2 server, and I would hope that the OA, the EOP, or

whoever is going to take care of this—I happen to have a different conclusion, and I think that the Federal Records Act and Armstrong v. the EOP require the maintenance of these systems.

Mr. LINDSAY. Understood, sir.

Mr. LATOURETTE. And I would hope that you'd fix it so that, you know, if these things are smoking pistols, well, let the evidence be out, and if they're not, then there's nothing there, and we want that to be out. But to have this cloud hanging over this thing on this body of 100,000, a million e-mails at a time when this Congress is very interested in what is going on in the Executive Office of the President I think doesn't do the American people a service and I think it is a slap in the face of the Congress, so I hope you do your best.

Mr. LINDSAY. Absolutely, sir. Thank you.

Mr. BURTON. Thank you, Mr. LaTourette.

Mr. Haas said during his testimony, when we asked him—in fact, I asked this question: does any e-mail actually reside on the PCs of the White House users, or does it all actually reside on the servers,” and he said 98 percent is on the servers.

Mr. LINDSAY. Yes, sir.

Mr. BURTON. Well, I think the point that you were trying to make is that all of this was on the hard drives of the——

Mr. LINDSAY. No, sir. That's not correct.

Mr. BURTON. It was on the servers. That's where it was.

Mr. LINDSAY. Right. But when I go to my office right now and look at e-mail—and I have the very first e-mail that I received when I came here and started working for the White House, for Office of Administration—I can go on my computer. Though I've had several computers change place, it all resides on the server. The server is different than the ARMS records management system, as it has been explained to me.

Mr. BURTON. I understand. But it was—I thought I understood you to say that this was on the personal computers of the individuals.

Mr. LINDSAY. No. That's not what I was saying.

Mr. BURTON. You didn't say that? Fine.

Mr. BARR.

Mr. BARR. Thank you, Mr. Chairman.

I understand that I think both of you have talked about—and I don't want to attribute this quote to both of you, but I think one of you used the quote, trying to find out the scope and breadth of the problem.

It must bother you tremendously that, not only have you all discovered the scope—not discovered the scope and breadth of the problem, but you all haven't fixed it. Don't you find that particularly frustrating, Mr. Lindsay?

Mr. LINDSAY. Absolutely.

Mr. BARR. You're in charge of this office, aren't you?

Mr. LINDSAY. Absolutely. I mean, I wasn't at that particular time, but at one point I was.

Mr. BARR. We find that frustrating. You have tremendous credentials, and you spent a great deal of time telling us about them. You're in charge of this office. Here we are 2 years later, and the

problem hasn't been solved. What are you doing? Why can't you get a handle on this?

And I really don't think it is just a matter of money.

Mr. LINDSAY. No, it isn't a matter of money.

Mr. BARR. And it is a matter of law, also, is it not? I mean, you all have a legal obligation to get to the bottom of this, don't you?

Mr. LINDSAY. I don't know about that. I have a personal obligation or feel very strongly, and I agree with you that I would have preferred that this were resolved sooner. I would like it to be resolved as quickly as possible. But if—to put it into context, if we had had systems failures as a result of Y2K and we hadn't done our work on that because we were doing a reconstruction, then it would have been a much more serious problem.

Mr. BARR. There you go again. You blame it on Y2K, you blamed it on too many burdens being placed on you all from all these congressional hearings and committees. You blamed it on major infrastructure problems. I mean, I really think you do yourself a disservice by coming up here and, you know, blaming this.

You all had—there is a serious problem here that has been known to your office for over 2 years, a serious problem that at least some of us on this committee believes is a legal problem, as well, very possibly a criminal problem, and nothing has been done on it.

Mr. LINDSAY. Well, let me—I beg to differ. One of the things that happened—I think it is very, very important to note that in October 1998 I received a proposal for \$600,000 from Northrop Grumman to assess the nature of this problem and how we were to work to resolve it. I am very happy to report that today the work that work would have completed has been completed by Government career staff who work in the Office of Administration and have done that work so that we can go to bid and contract.

The first step in resolving the problem was to fix the glitch in the first instance. Without that, at least as I was informed by my technical staff, you could not do reconstruction.

Then, the next step in the process was to identify what—

Mr. BARR. The information is there. The e-mails are there somewhere, aren't they?

Mr. LINDSAY. I really would not be able to go into great detail as to the technical elements of how it works. I can report to you—

Mr. BARR. But that's your job.

Mr. LINDSAY [continuing]. What trusted technical staff has reported to me.

Mr. BARR. This is your office.

Mr. LINDSAY. That is correct.

Mr. BARR. I mean, aren't they—I mean, the others testified. I mean, you can retrieve these things. They are there. You're saying it is a matter of money to get them. But there was one instance that I think Mr. Haas testified to that a whole group of documents were presented to you. I mean, where are those documents?

Mr. LINDSAY. They were presented to counsel's office. But let me reinforce—

Mr. BARR. No, no. No. Don't just—please, don't just—you talk very fast.

Mr. LINDSAY. Sure.

Mr. BARR. Slow down just a second, please.

Mr. LINDSAY. Certainly.

Mr. BARR. The testimony earlier was that they were presented to you, not to the counsel's office, to you.

Mr. LINDSAY. They were presented to me, and then I transmitted them to the counsel's office.

Mr. BARR. Where are they?

Mr. LINDSAY. I couldn't tell you.

Mr. BARR. Well, now, see, this is another problem. These documents are presented to you. You know very well—you are trained in the law and certainly you know what is going on in the world around you, certainly at the time in 1998, also.

Mr. LINDSAY. Yes, sir.

Mr. BARR. These are very sensitive documents. They are very relevant to the Office of Independent Counsel investigation, perhaps, perhaps very relevant to an impeachment proceeding, perhaps very relevant to Chairman Burton and our work on this committee.

Mr. LINDSAY. Yes, sir.

Mr. BARR. They come in to you. You don't know whether—did you look at them?

Mr. LINDSAY. No, I did not look at them. I conveyed them—

Mr. BARR. Did you give them to Mr. Ruff?

Mr. LINDSAY. I don't remember—I remember taking it over to the West Wing to the counsel's office. I can't remember if I gave it specifically to him, but they were certainly transmitted.

Mr. BARR. You know who Mr. Ruff is?

Mr. LINDSAY. Absolutely, sir.

Mr. BARR. OK. And you don't recall whether you gave them to Mr. Ruff?

Mr. LINDSAY. I remember taking them to the counsel's office, myself.

Mr. BARR. Do you ever make notes?

Mr. LINDSAY. What's that?

Mr. BARR. If you remember taking them over to the White House counsel's office, yourself, I don't believe that you don't know who you gave them to.

Mr. LINDSAY. I can't help that. All I can testify, sir—

Mr. BARR. You just walked over and—

Mr. LINDSAY [continuing]. Is to those matters for which I have personal knowledge.

Mr. BARR. Sensitive documents.

Mr. LINDSAY. Yes.

Mr. BARR. Very important documents.

Mr. LINDSAY. And I believe that transmitting—

Mr. BARR. You took them over there and you don't remember who you gave them to?

Mr. LINDSAY [continuing]. Transmitting those sensitive documents to the counsel's office of people whom I have the—a very significant degree of respect and admiration for is certainly an appropriate step.

Mr. BARR. And I'm sure it is very mutual. But the fact of the matter is, I don't think that somebody trained, as you have told us you are and as you undoubtedly are, in the law in how to deal with

sensitive documents would just take them over there and say, "Hey, I trust everybody in this office, so here they are, guys," and just walk away. I think you know exactly who you gave them to. All I'm asking is who did you give those documents to?

Mr. LINDSAY. I can't testify to facts which are not in my recollection, sir.

Mr. BARR. You cannot testify to facts that are not within your recollection. I think that's a new one.

Did you have any other discussions about any of this with Mr. Ruff, the White House counsel?

Mr. LINDSAY. I don't have—I had conversations with the counsel on various topics at various times. This topic I'm certain was one of them. I don't have any specific recollection of other conversations with the counsel's office about other details of this particular matter, particularly after the transmittal of those particular documents, other than—

Mr. BARR. What did you do, just put it out of your mind? You've told us that this is something very important.

Mr. LINDSAY. Absolutely. But there are two issues, sir.

Mr. BARR. Absolutely what? You put it out of your mind or that it is really very important?

Mr. LINDSAY. It is important, but it is important for two reasons. The first reason is that your committee was due information, and I recognize that and respect that, but the determination as—

Mr. BARR. Probably the Office of Independent Counsel was, at well.

Mr. LINDSAY. And the Office of Independent Counsel, and when the—

Mr. BARR. And the Judiciary Committees, as well.

Mr. LINDSAY. Absolutely, sir. Absolutely.

Mr. BARR. But none of them got these documents.

Mr. LINDSAY. I would not know, sir.

Mr. BARR. You would not know. Did you give them to them?

Mr. LINDSAY. No, I did not.

Mr. BARR. Right. There is a memo here dated June 9, 1998, that has been the subject of some discussion today, for John Podesta from Virginia Apuzzo.

Mr. LINDSAY. I think it was the 19th, sir.

Mr. BARR. Pardon?

Mr. LINDSAY. I think it was the 19th.

Mr. BARR. Yes, June 19, 1998, exhibit WH-3 and 4.

Mr. LINDSAY. Yes, sir.

Mr. BARR. Did you get a copy of that?

Mr. LINDSAY. I reviewed it before it was transmitted to Ms. Apuzzo.

Mr. BARR. All right. But it doesn't show on here that it went through you? You just reviewed it?

Mr. LINDSAY. No, it does not.

Mr. BARR. OK. Did you get a copy of it after the fact?

Mr. LINDSAY. I don't have a recollection of getting a copy of it after the fact. No. I think I—my testimony earlier was that, before this—before actually conducting a search, I had forgotten about that memo. I didn't have a specific recollection of it at all until we

actually looked through the files in the Office of Management and Administration to find it.

Mr. BARR. You found one of those specific things you didn't have a recollection of?

Mr. LINDSAY. That is correct, sir.

Mr. BARR. That is possible.

Mr. LINDSAY. Absolutely.

Mr. BARR. OK. This document—put up page 2, please—it ends with the sentence, “I will keep you informed of our progress.” Is that the end of the document? The rest was blank. It doesn't even have a page number or anything. It doesn't show CC's or anything.

Mr. LINDSAY. I think the document speaks for itself.

Mr. BARR. No. I'm asking: is that the end of the document, as you remember it? Was there anything else on there that—

Mr. LINDSAY. It is the end of the document as I remember it.

Mr. BARR. OK. So it would not be standard procedure for a White House memo to have pagination, just to make sure that, you know, all pages are with the document or that certain pages belong to them?

Mr. LINDSAY. I wouldn't be able to—sometimes I've seen it and sometimes I haven't.

Mr. BARR. Really?

Mr. LINDSAY. Yes, sir.

Mr. BARR. Now, there's another document here that we talked about earlier today, White House 3, and one of your colleagues, Mr. Huang, I think it was, had no idea what it was. Do you have any idea what this is? These are talking points dated March 7, 2000.

Mr. LINDSAY. No, it didn't strike a chord with me, sir.

Mr. BARR. Yes. Just looking at it, do you have any earthly idea? I mean, have you ever seen a talking points document before?

Mr. LINDSAY. Have I ever seen a talking points document before? Yes, sir.

Mr. BARR. OK. But this one rings no bell, whatsoever? You have no idea who drafted this, what it was drafted for, or who might have read it?

Mr. LINDSAY. No, I don't, sir.

Mr. BARR. What conversations did you have with Mr. Podesta about these matters?

Mr. LINDSAY. I let him know about the information that was contained in the memorandum, and that was the—he asked one question as to whether or not—

Mr. BARR. That's the memorandum of June 19?

Mr. LINDSAY. That's it, and that was the sum and substance of all communications that I had with him about this particular matter.

Mr. BURTON. The gentleman's time has expired, but I'm taking my final time. If the gentleman needs some of that, I'll be happy to yield it to him.

Mr. BARR. I'd appreciate that.

Mr. BURTON. I just have a couple of questions here.

Mr. BARR. Yes, sir.

Mr. BURTON. Mr. Hawkins testified that he raised the issue of threats with you, Mr. Lindsay. Did he?

Mr. LINDSAY. No, he did not.

Mr. BURTON. He said he did.

Mr. LINDSAY. He certainly did not.

Mr. BURTON. So that's another lie by those folks.

Did Mr. Hawkins——

Mr. WAXMAN. Whoa, whoa——

Mr. BURTON. Now, wait a minute. Mr. Hawkins——

Mr. WAXMAN. Contradictions.

Mr. BURTON. Mr. Hawkins said he did it, and if it's not true, it's a lie.

Mr. LINDSAY. That's not my recollection of his testimony, but that may—if that's what the record shows.

Mr. BURTON. OK. The question is: did Mr. Hawkins raise the issue——

Mr. LINDSAY. No, he did not.

Mr. BURTON [continuing]. Of threats with you?

Mr. LINDSAY. No, he did not.

Mr. BURTON. OK. He did not. Did Mr. Hawkins ever discuss threats against his employees with you?

Mr. LINDSAY. No, he did not.

Mr. BURTON. He did not.

Mrs. Callahan, did anyone ever raise the matter of threats with you?

Mrs. CALLAHAN. No, sir.

Mr. BURTON. No one did with you. Did anyone ever discuss with you or raise the issue of the efforts to solve the problem not moving fast enough?

Mrs. CALLAHAN. No, sir. Again, I was only involved for a short period of time, so I don't know what happened after I left the project.

Mr. BURTON. Mr. Lindsay, did anyone ever discuss with you or raise the issue of the efforts to solve the problem not moving fast enough?

Mr. LINDSAY. Excuse me, sir?

Mr. BURTON. I said did anyone ever discuss with you or raise the issue of the efforts to solve the problem not moving fast enough?

Mr. LINDSAY. I certainly discussed it, and I certainly raised that issue with individuals.

Mr. BURTON. Did anyone raise it with you?

Mr. LINDSAY. I don't have a recollection of people raising that to me. I have a recollection of me raising it and wanting to have things done faster.

Mr. BURTON. Who raised it with you? You don't recall anybody raising it with you about the process not moving—about maybe them being frustrated with it?

Mr. LINDSAY. No.

Mr. BURTON. But nobody, to your recollection, raised the issue of the whole process not moving fast enough and you being frustrated about not moving fast enough?

Mr. LINDSAY. Not that I recollect. I was frustrated enough, sir.

Mr. BURTON. The documents that you took to the counsel's office that Mr. Barr referred to talked about Ms. Lewinsky. Now, the search was not a complete search of information asked for by the independent counsel, was it? It was just a partial search?

Mr. LINDSAY. I wouldn't be able to answer that question, sir.

Mr. BURTON. Well, it only referred to two people that Ms. Lewinsky may have sent e-mails to.

Mr. LINDSAY. I would have to refresh my recollection as to what the independent counsel's request was.

Mr. BURTON. Well, when you found out there was information, you know, and you took it to the counsel's office, you had to know that that was only partial, didn't you? Did you think that was all the e-mails that Ms. Lewinsky sent into the White House?

Mr. LINDSAY. I had no idea, sir.

Mr. BURTON. Well, did you ever go back and ask for a complete search of Ms. Lewinsky's e-mails?

Mr. LINDSAY. I would not ask for a search of any employee or former employee's e-mails, particularly someone who had worked for the White House office, without consultation with the counsel's office.

Mr. BURTON. But the independent counsel had asked for any information relevant to that. We had asked for information on a whole host of issues and had subpoenaed them. The independent counsel had subpoenaed that information.

Mr. LINDSAY. As I said, sir, I would not have conducted an on-my-own search of records of that nature without consultation with the counsel's office.

Mr. BURTON. Well, did you or anyone to your knowledge ever tell the independent counsel that that was only a partial search of the Lewinsky e-mails?

Mr. LINDSAY. I didn't, and I have—I wouldn't have knowledge of any communications. I'm not aware of any communication between the White House counsel's office and the independent counsel, not a single one.

Mr. BARR. Mr. Chairman, can I take a moment of your time?

Mr. BURTON. Yes. I'll yield to the gentleman.

Mr. BARR. Now, wait a minute. You knew it was just a partial search. I mean, there were outstanding subpoenas from both the Office of Independent Counsel and this committee—and I don't know if there were at that particular time by the Judiciary Committee. You knew that that was—by virtue of the information brought to your attention in this memo—

Mr. LINDSAY. Yes, sir.

Mr. BARR [continuing]. And in your other conversations—

Mr. LINDSAY. Yes, sir.

Mr. BARR [continuing]. Quite aside from threats and so forth. Let's put that aside.

Mr. LINDSAY. Yes, sir.

Mr. BARR. You knew that there was a serious problem and you knew that there was a high likelihood that information that was under subpoena by the independent counsel and by at least one committee of the Congress was very likely incomplete.

Mr. LINDSAY. I did not know that, sir.

Mr. BARR. Yes you—you couldn't have helped but have known it because of the nature of this specific problem brought to your attention because of these gaps—

Mr. LINDSAY. Sir, my—

Mr. BARR [continuing]. In this system because of the Mail2 problems.

Mr. LINDSAY. My staff has been unable to this day to tell me the exact number of e-mails that weren't included.

Mr. BARR. You don't have to know—

Mr. LINDSAY. They have been unable to—

Mr. BARR [continuing]. The exact number of e-mails included. There you go again. See? Talking about, you know, something very precise. We're asking a general concern here and a general matter related to a very specific problem.

Mr. LINDSAY. Yes, sir.

Mr. BARR. OK? Now, there was testimony earlier today that Mr. Barry was able to go back, after it became apparent to him—and he isn't even at near your level. He doesn't have all of these degrees and so forth, I don't think, that you told us about. He was able to pinpoint just one that came to his attention, and he was able to direct the people to go back and they uncovered it. They found it because he knew that there was something incomplete in a record.

Mr. LINDSAY. The counsel's office—

Mr. BARR. Or in a series of records.

Mr. LINDSAY. The counsel's office—

Mr. BARR. Later, Mr. Haas testified and you've testified that a whole group of documents were brought to your attention that you'd now have us believe you said, "See no evil, hear no evil, speak no evil," you just closed your eyes to it, dropped it off somewhere over at the White House.

Mr. LINDSAY. No. I didn't drop it off at—

Mr. BARR. You knew that—

Mr. LINDSAY. Sir, I did not drop it off somewhere. I dropped it off within the counsel's office of the President of the United States. That's not just "somewhere."

Mr. BARR. And you had—and you would have us believe that you have no specific recollection of who?

Mr. LINDSAY. I don't.

Mr. BARR. Well, I know you've told us that. But you had to have known. There is no way that you could not have known that these records that were under subpoena—this was not some secret investigation—that they were not complete because of this specific problem, and you took no steps to uncover that. I think you had the duty, as an officer of the court, quite aside from the laws that I think apply here, to do that.

Mr. LINDSAY. I believe that I—

Mr. BARR. I suspect maybe that's why you're frustrated.

Mr. LINDSAY [continuing]. Fulfilled my obligations under my oath and as an officer of the court to convey the information and the nature of the problem to the counsel's office. The review of those documents to review them for responsiveness and to review them for privilege and other things that lawyers routinely do with the production of documents was the responsibility of the counsel's office of the President of the United States.

Mr. BARR. If you were—

Mr. LINDSAY. That responsibility.

Mr. BARR. If you were so frustrated, as you've told us—and I think that's the word you just used with the chairman—what's—tell us some of the specific steps you took to relieve your frustra-

tion, because we have a whole sheath of documents here expressing continued frustration by Mr. Barry, for example—document after document after document saying nothing—

Mr. LINDSAY. I can give you specific instances—

Mr. BARR [continuing]. Is being done.

Mr. LINDSAY. I can give you specific instances of how I expressed my frustration. I had a contractor that wanted additional resources who believed that the very issue that you're talking about was outside of the scope of the contract. The very definition of that issue, the way that they were doing it, meant delay, sir.

Mr. BARR. Mr. Barry—again, I go back to this, because there are people far less qualified than you—Mr. Barry—

Mr. LINDSAY. Mr. Barry is very qualified.

Mr. BARR. Mr. Barry discovered that there was—in just one series of e-mails that there were gaps. He was able to check that out and get an answer to it very quickly. Mr. Haas, it took him a little bit more time, because he was requested pursuant to a chain of command here, to gather more documents than just the one particular missing e-mail that Mr. Barry was looking for.

Mr. LINDSAY. But, sir—

Mr. BARR. Mr. Haas was able to do so. You're sitting here telling us today that you, as the head of this entire office—

Mr. LINDSAY. At the time I was the general counsel.

Mr. BARR [continuing]. With tremendous background in this haven't been able to do it?

Mr. LINDSAY. What I am saying, sir, is that, as I recollect Mr. Barry's testimony, it was that he discovered a gap in those particular e-mails. But remember, sir, that information was coming from the ARMS system, alone. That was not the only source of documentary evidence that was provided to investigative committees—

Mr. BARR. But at least you knew that.

Mr. LINDSAY [continuing]. Or to other organizations.

Mr. BARR. What I'm saying is I'm just extrapolating. I'm saying if he discovered that—

Mr. LINDSAY. Yes, sir.

Mr. BARR [continuing]. In January 1998, just based on a very quick review of a couple of e-mails, he noticed there was a gap that didn't make any sense—

Mr. LINDSAY. Yes, sir.

Mr. BARR [continuing]. He got onto it right away and discovered the problem, alerted your office in January 1998—

Mr. LINDSAY. He did not notify my office in January 1998.

Mr. BARR. Yes, he did notify your office. Now, I don't know whether you're calling him a liar or not, but he testified that he sent a memo—an incident report—

Mr. LINDSAY. To his supervisor.

Mr. BARR [continuing]. To the office—to OA. What is OA?

Mr. LINDSAY. The Office of Administration is—

Mr. BARR. OK. I'm saying that's—

Mr. LINDSAY [continuing]. A Federal agency.

Mr. BARR [continuing]. Your office. Now, he didn't send it to the Office of Administration in Alaska or somewhere, it was your office.

Mr. LINDSAY. Using that analogy—

Mr. BARR. Your office knew about this.

Mr. LINDSAY [continuing]. Him having knowledge is notification to the Office of Administration, because he is part of the Office of Administration.

Mr. BARR. No. A piece of paper was sent and there was followup done, and you all did nothing. That's our frustration. And you haven't done anything today to relieve that.

Mr. LINDSAY. That's not correct, sir.

Mr. BARR. You're getting inside my mind now? I'm telling you you haven't.

Mr. LINDSAY. What I'm saying is we did \$600,000 worth of work by Government—dedicated Government employees. I will not discount the work that those people did during a period where they were addressing the Y2K problem and other types of other pressing issues. Those people did that work. They actually completed it, and they did it at a cost that saved the taxpayers——

Mr. BARR. You did it?

Mr. LINDSAY [continuing]. That saved the taxpayers money.

Mr. BARR. You did not. This is your responsibility. You have not done it.

Mr. LINDSAY. That's correct, sir. I have not completed the——

Mr. BARR. And you are here today——

Mr. LINDSAY [continuing]. Reconstruction. That is correct.

Mr. BARR. You haven't done anything.

Mr. LINDSAY. That is not correct, sir.

Mr. BURTON. My time has expired.

Mr. Waxman, do you have a closing question or two?

Mr. WAXMAN. Yes, I do, Mr. Chairman.

I must say, people have different recollections of events, and I have a lot of sympathy for the witnesses. They are being asked to recollect and tell us about detailed activities. I don't know, I guess this is 2 years ago; isn't that right?

Mr. LINDSAY. Yes, sir.

Mr. WAXMAN. And I don't know if I could have recollection of events 2 years ago, who said what to whom. I could have a general idea. And when people have different testimony, it doesn't mean that one person is lying and another person is not. People just talk themselves into what they remember. It doesn't mean it was true. They talk themselves into thinking that must be what happened.

Now, that's a situation where we're talking about events of many years ago.

Mr. LINDSAY. Yes, sir.

Mr. WAXMAN. We've all been here for many hours, and Mr. Burton made the statement that he understood Mr. Hawkins to have said that he told you about threats, and you said that wasn't the case. Is that your testimony?

Mr. LINDSAY. That is exactly correct, sir.

Mr. WAXMAN. Now, the fact of the matter is I have been here most of the day. I was certainly here for Mr. Hawkins' testimony. And I don't recall that he said that. I believe Mr. Burton believes what he said was true.

Mr. BURTON. I'd be glad to give you the transcript.

Mr. WAXMAN. Well, I think the transcript will tell us, but maybe we can do something even better. We have transcripts. We have written transcripts of these proceedings, so everything is taken

down and people have a chance to change it, but it is all taken down. What we're going to have, because of the chairman's wisdom, is an Internet broadcast of our proceedings, gavel-to-gavel. And during the proceedings we've had a tape made of some of the testimony. So I would like to, with everybody's indulgence—and I have the time to do it—show a tape, and I think we could then see what Mr. Hawkins actually said a few hours ago.

I can understand we can have different recollections of what he said and be very sincere about those different recollections, but the fact of the matter is that even being sincere doesn't make it accurate.

So I wonder if we could show that videotape.

Well, that obviously isn't the right one. S&P futures were going down, but we all know that the stock market went up today. [Laughter.]

We are, obviously, operating in very fast timeframe, but if the chairman will indulge me——

Mr. BURTON. That's fine with me.

Mr. WAXMAN. I think it is coming right up.

Mr. BURTON. Mr. Hawkins testified to me more than once today. We asked him questions back and forth.

Mr. BARR. Mr. Chairman, if I can inquire, I think Mr. Hawkins' testimony——

Mr. WAXMAN. Mr. Chairman, it is my time, and it is not up to the gentleman to inquire at all——

Mr. BARR. I suspect you can stop the time.

Mr. WAXMAN. It's my time, and——

Mr. BURTON. I will give you whatever time you need after Mr. Waxman——

Mr. WAXMAN. If we could be quiet, we can hear the tape.

Silent movies. Do we have sound on this one?

Mr. BARR. Mr. Waxman is right, I did not hear the word "threat."

Mr. WAXMAN. Well, Mr. Chairman, I don't know what to say. Maybe we've gotten too high-tech—maybe we can't even get a tape recorder to work. You can understand why——

Mr. LINDSAY. I'm sympathetic to your circumstances.

Mr. WAXMAN [continuing]. The White House can't get the whole e-mail system to work to track all the e-mails.

I think when we do look at the record I think we're going to see that Mr. Hawkins made a different statement than what the chairman believed, but I think his belief is sincere. And I may be wrong, and we'll see what the record was. If Mr. Hawkins were here we could ask him.

But the point I'm really making is it is hard to remember precisely what somebody said in a hearing 6 hours ago, let alone 2 years ago. I still have some time, which is my time—the way this committee was supposed to work is we have a half hour—but now we have 10 minutes. We had a half hour and we split it up, and now I've got 10 minutes. And I am, obviously, trying to stall for some time so we can hear this tape.

Mr. LINDSAY. Yes, sir.

Mr. WAXMAN. Because I think it is going to give us an accurate portrayal.

Mr. BURTON. You can mess with the tape. We'll come back after the vote. OK?

Mr. WAXMAN. OK. Then we'll come back.

[Recess.]

Mr. WAXMAN. Mr. Chairman, I think we've handled our high-tech glitch, and I'd like to have that tape rolled.

[Tape played.]

Mr. WAXMAN. They missed a question.

Well, as I understand, what the tape would have shown would have been a question from Mr. LaTourette, who is a very good questioner, and an answer by Mr. Hawkins indicating that he was not told by Mr. Lindsay about the threats. But different people can have different recollections.

Mr. LINDSAY. Yes, sir.

Mr. WAXMAN. That's the point I'm making, as well as the other point that's made is that even in this high-tech world things can get screwed up, and it's clear that the White House expenditure of—how much money was spent on that whole arms system?

Mr. LINDSAY. There was \$14 million appropriated originally.

Mr. WAXMAN. Now, we spend millions and millions of dollars to get a system that would retrieve every e-mail so that all the e-mails could be available to all the independent counsels and all the committees of Congress. The White House made an effort, in hiring Northrop Grumman, to get that information on that system, and then they found out that there was a glitch in the system. There were contractors. There were subcontractors. This morning we saw that the subcontractors and the contractors were feuding with each other and had different stories to say about the events.

And what bothers all of us is that when the White House heard about this we weren't informed in a timely manner, presumably because the White House was hoping it would be fixed. I was hoping this video would have been fixed in time, and then we would have had at least that snippet.

But the reality is that, even in this high-tech age, things don't always work out the way they are supposed to, and human beings' being what they are, hear different things at different times. In fact, they say different things at different times, as their recollection gets affected by other people's statements.

So it is my understanding that, from that tape, we would have heard Mr. Hawkins saying one thing. There may be other times he said other things as to the threats. But there was one statement made that Mrs. Callahan told these contractors not to talk, perhaps with a threat of jail, but I think one of them said that you had made those comments because Mr. Lindsay had asked you to make those comments. You both would deny that or do either of you remember saying anything along those lines?

Mr. LINDSAY. I certainly didn't pass or ask that any instruction be passed on to instruct anyone to intimidate any other person. Absolutely not. And I'm not aware of anyone else doing it, certainly.

Mr. WAXMAN. And, Mrs. Callahan, he didn't ask you to do it, and you say you didn't do it?

Mrs. CALLAHAN. Mr. Lindsay never asked me to threaten any employees and I never personally threatened any employees.

Mr. WAXMAN. Thank you.

Thank you, Mr. Chairman.

Mr. BURTON. The snippet that we just saw was just that, a snippet, and my staff will go through the entire discussion to make sure that we have it all, but I will read to you what was said by Mr. Hawkins on March 12th—well, it wasn't March 12th, but when we interviewed him, Mr. Hawkins, here's what he said. "Hawkins went to speak to Lindsay and Crabtree and insisted that all work be done within the bounds of the contract. When Hawkins had this conversation, he did not know what work the contract employees were doing, simply that it was outside the bounds of the contract. At the meeting, Crabtree told Hawkins, 'Everything was fine before you stepped in.' When he confronted Crabtree about her threatening his employees with jail, she did not deny doing so, but rather turned and left the room without a word. Lindsay further told Hawkins, 'I hope you appreciate my position.' To this, Hawkins responded—" and pardon my language. This is his language—"to this, Hawkins responded, 'I'm pissed. Dale Helms or Jim Wright didn't authorize the work. Until Dale Helms authorizes the work, it's not going to get done. I've instructed my employees accordingly, and I hope you understand my position.' Lindsay replied, 'Is that your final position?' Hawkins says, 'It is.'"

So the issue was raised with Crabtree and Lindsay, according to Mr. Hawkins, and I think we'll probably find that on the tape, as well.

But let me just end up by saying this: I understand the minority, as they always do, pooh-poohing things that we discover in uncovering these investigations, and I understand the rationale for their position, but let me just say this: the e-mails were subpoenaed right along with everything else by the independent counsel, by us, this committee, by a whole host of people. They were not delivered. They were discovered in 1998. In September 1996, this glitch started. That was right during the time that possible campaign finance mis-steps were taken or illegal activities took place. That was very relevant to the campaign finance investigation for which we subpoenaed these documents. We did not get them.

And you folks have a different view. You say things didn't happen, when six other people sat there today and took issue with you.

I think this is something that is going to have to be looked into further. I don't believe all six of those people are lying. I don't believe those five people felt intimidated because nothing was said to them. I think something was said to them, and I think it needs to be looked into further.

And the last thing is, we've waited 2 years for these documents. Now we're finding out, under questioning from Mr. LaTourette, that, even if a contract was signed today, it would be 211 days—I believe that's right, isn't it, Mr. LaTourette—211 or so days before we would get the information that we're entitled to, and that would be after this administration leaves office.

It sure sounds like somebody is blocking, and this is very serious stuff, because if illegal campaign contributions were solicited by people at the White House, if they were involved in a cover-up of other investigations that have been going on, then somebody needs to be held accountable and taken to task and possibly even prosecuted.

And so for us not to get this information after 2 years is just unthinkable, and for you not to even start the process is unthinkable. So I just say I'm frustrated. I think my colleagues are frustrated. Mr. Barr, did you have any closing comments?

Mr. BARR. Yes, if you'll yield—

Mr. BURTON. I'll yield.

Mr. BARR [continuing]. For just a moment, Mr. Chairman.

Somebody a little bit earlier—maybe it was you, Mr. Lindsay—mentioned the name Ada Posey. Did you mention that, or did you, Mrs. Callahan?

Mr. LINDSAY. At one point in my testimony I may have mentioned her name.

Mr. BARR. Yes. Who is she?

Mr. LINDSAY. She is the director of the Office of the Administration.

Mr. BARR. Is she in the—was she an assistant to Hillary Clinton?

Mr. LINDSAY. No. Not to my knowledge.

Mr. BARR. Really? I thought that Ada Posey was. How long has she been in the current position?

Mr. LINDSAY. She no longer works for the Executive Office of the President.

Mr. BARR. That's not the question. How long had she served there in that office?

Mr. LINDSAY. I believe for 5 or 6 years.

Mr. BARR. Until what time?

Mr. LINDSAY. Until December 1998.

Mr. BARR. OK. Now, have either of you had any discussions at all at any time with lawyers from Northrop Grumman?

Mr. LINDSAY. Have I, personally?

Mr. BARR. Yes.

Mr. LINDSAY. Ever?

Mr. BARR. Yes.

Mr. LINDSAY. When we negotiated the contract for Northrop Grumman to come on board, they brought in their counsel at the signing ceremony. I remember meeting a counsel from—someone from the general counsel's office from Northrop Grumman. It must have been in early 1997.

Mr. BARR. That was the only contact you've had with lawyers from Northrop Grumman?

Mr. LINDSAY. I don't have any other specific recollection of conversations with lawyers from Northrop Grumman.

Mr. BARR. Have you had any conversations with them about any of these matters—

Mr. LINDSAY. Me?

Mr. BARR [continuing]. Under discussion today?

Mr. LINDSAY. No. Absolutely not.

Mr. BARR. At no time?

Mr. LINDSAY. Not that I'm aware of.

Mr. BARR. Well, you would be aware of them, wouldn't you?

Mr. LINDSAY. I would think so. No, I did not have any conversations with anyone from Northrop Grumman.

Mr. BARR. Mrs. Callahan, have you?

Mrs. CALLAHAN. No, sir.

Mr. BARR. OK. How about attorneys from the Department of Justice?

Mr. LINDSAY. At any time during my tenure?

Mr. BARR. Concerning any of these matters.

Mr. LINDSAY. Yes.

Mr. BARR. When?

Mr. LINDSAY. Shortly after the Mail2 glitch was discovered. Please keep in mind, sir, we were involved in several pieces of records litigation that were going on at that time, and we regularly conferred with our appellate counsel and with elements and individuals from the Justice Department on how those matters were proceeding. We provided information to them. They were our attorneys, and so we had regular communications with them on matters dealing with records.

Mr. BARR. How about these matters, these records?

Mr. LINDSAY. Yes. I had one conversation with an individual in the—from the Justice Department about these matters shortly thereafter they were discovered.

Mr. BARR. Which would be in when, because we have a difference over when——

Mr. LINDSAY. I think it was in June——

Mr. BARR [continuing]. It was discovered.

Mr. LINDSAY [continuing]. 1998. I had a conversation with someone from the Justice Department because my concern was—they were experts in the Federal Records Act, and I wanted to know and make sure that any—to see if there were any Federal records issues that were associated with the particular anomaly issue.

Mr. BARR. So this was just a matter over that? It didn't concern the specific files that might have been lost or that might need to be located?

Mr. LINDSAY. No. I was the general counsel for the Office of Administration. One of my responsibilities was to work with them in pending litigation, and if there was information that developed that was relevant to that pending litigation, it was my responsibility to make sure that I let them know about it, which is what I did.

Mr. BARR. But the Department of Justice and its lawyers did not question you, or you didn't have discussions with them about the specifics of what we're talking about here today? They expressed no interest in what files might be missing, how to retrieve them, why they're missing, and so forth?

Mr. LINDSAY. In terms of what files, no. It was a question of whether or not records that were not put into the ARMS system, was that information—just providing them with the information as to what happened so that they could make a determination of any other action that needed to be taken. We didn't talk about the subject matter. We talked about just the facts associated with that matter, and it was a relatively short conversation.

Mr. BARR. And who was that with?

Mr. LINDSAY. I believe it was Jason Baron from the Justice Department.

Mr. BARR. And that's the only conversation about these matters, specifically, that you've had with the Department of Justice?

Mr. LINDSAY. That's the only one that I have a specific recollection of.

Mr. BARR. Are there any that you don't have a specific recollection of?

Mr. LINDSAY. I don't know how I could—

Mr. BARR. I mean, I don't know how—I mean, everything you say you have a caveat, a footnote to it.

Mr. LINDSAY. Is that a question, sir?

Mr. BARR. No, it's a statement.

Mr. LINDSAY. OK.

Mr. BARR. Mrs. Callahan—

Mrs. CALLAHAN. Yes, sir?

Mr. BARR [continuing]. Have you had any contacts, conversations of any sort with the Department of Justice or any Department of Justice attorneys concerning any of these matters that bring you here today?

Mrs. CALLAHAN. None of these matters, sir.

Mr. BARR. OK. They've never approached you and asked you any questions about any of this?

Mrs. CALLAHAN. None of this, sir.

Mr. BARR. Pardon?

Mrs. CALLAHAN. None of this on this subject, sir.

Mr. BARR. OK. And have you had any conversations with or discussed any of these matters with this lady, Ada Posey?

Mrs. CALLAHAN. No, sir.

Mr. BARR. At no time?

Mrs. CALLAHAN. No, sir.

Mr. BARR. OK. Thank you.

Thank you, Mr. Chairman.

Mr. BURTON. Yes, Mr. Waxman?

Mr. WAXMAN. I have a few questions. It won't take very long.

Mr. BURTON. Well, if you have questions, we'll probably have another round. Go ahead.

Mr. WAXMAN. I was interested in recollections of people about the conversation. Shortly after the problem was discovered, Laura Crabtree, now Mrs. Callahan, who was the branch chief of the customer service computer support branch in the Office of Administration, she had this meeting with Ms. Golas, Mr. Spriggs, Ms. Lambuth, Mr. Haas, and Ms. Salim, all of whom testified this morning; Mr. Lindsay, who was OA's general counsel, spoke with those present by speaker phone and instructed them to continue investigating the e-mail problem, but to avoid discussing with anyone else because it was a sensitive matter.

Now, that was when Mr. Haas thought that if he told his wife, that you said, Mrs. Callahan, "There would be a jail cell with your name on it."

Now, when these witnesses who testified this morning were questioned by the staff, obviously Ms. Lambuth accused you of threatening her with jail, Mr. Haas remembered that, but Ms. Salim and Ms. Golas did not recall any threats being made at that meeting, and neither Ms. Golas nor Mr. Spriggs recall any mention of the word "jail." That was what they said in the interview. And then they testified somewhat like that, but a little differently, this morning. So people have their recollections changed. It's human nature, and I wouldn't attribute bad intent on anybody's part. You try to remember the events of 2 years ago.

Now, I have been told by my staff that this tape is now ready in its entirety, and I'm going to give that one last chance. So, if we could, let's see what we have.

[Tape played.]

Mr. WAXMAN. Now, that only was a snippet, and I don't know what was going to follow next, if he had any further answer to Mr. Burton, and he may well have said something different in the interview. But, again, my essential point is that people have different recollections of what happened 2 years ago, and we even have different recollections of what happened a few hours ago. But I thought that we all should have seen that tape, and I regret that it has taken us so long to get it up there, but I think that tape, at least as far as it goes, speaks for itself.

I yield back the balance of my time.

Mr. BURTON. Well, I'll just close then by saying that five people, as I've said before, said they felt threatened. Two of those people said that they had been told they would go to jail. One, when she went to her supervisor, and Mr. Hawkins—and Mr. Supervisor said, "You've got to tell us what's going on," and she said, "Hey, I can't tell you." He said, "Well, that borders on insubordination." She said, "I'd rather be insubordinate than to go to jail." Now, that sentence, alone, infers that she felt the same way as the other two. Now, that's three out of the five.

But, in any event, all five of them felt threatened to the degree that they had to go to a park across the street to talk or to Starbuck's, because they felt like they had to keep this stuff quiet.

So, you know, and then the other fact is that we haven't had these e-mails, and it has been well over 2 years. Nothing has been done, and they're trying to run out the clock. At least that's how it appears to me, and I think to probably most people who paid attention.

I think we're going around in circles right now, so, unless there's further comment—real quickly, Mr. Barr. I want to adjourn this thing.

Mr. BARR. Thank you very much, Mr. Chairman.

Mr. Lindsay, just a quick followup to—

Mr. LINDSAY. Yes, sir.

Mr. BARR [continuing]. The question and answer about the Department of Justice lawyers. Let me be more specific. Did you approach them to disclose this problem to them?

Mr. LINDSAY. Yes, I did, sir.

Mr. BARR. OK. They didn't approach you?

Mr. LINDSAY. No, sir.

Mr. BARR. OK. And what was the specific purpose of your request to them?

Mr. LINDSAY. If I remember correctly, my question was: do we have a Federal records issue associated with the fact that this information had been, as a result of a glitch, not included in the ARMS records management system? I believe that was the specific question.

Mr. BARR. Your concern with the Federal Records Act is what?

Mr. LINDSAY. He would—the folks at the Justice Department were experts in it and I had a concern. I wanted to make sure that I conferred—

Mr. BARR. I mean, what was your concern? I agree, you should have been concerned.

Mr. LINDSAY. Yes.

Mr. BARR. That's a real problem with all of this. But what is your—what was your concern with the Federal Records Act?

Mr. LINDSAY. Sir, I believe—in my normal course of business I considered it due diligence on my part to make that inquiry. I also wanted to make sure that they were aware of this so that it could not—it wasn't relevant or wasn't something that they needed to have or needed information about in relation to other pending litigation.

Mr. BARR. Doesn't the Federal Records Act require these documents to be retained and retrieved?

Mr. LINDSAY. They were retained.

Mr. BARR. Isn't that a concern?

Mr. LINDSAY. The question was: did they have to be retained in ARMS, as opposed to other means of retaining those documents, and my recollection of the response that I got was that no, this was a technical, non-human-intervention problem that is not a wilful act in any way, shape, or form; therefore, you are not running afoul of the Federal Records Act and you are maintaining the information in another form, which can be searched at a later date and maintained to preserve these records.

Mr. BARR. So the records are retrievable? They are there?

Mr. LINDSAY. To the best of my knowledge, yes.

Mr. BARR. OK. You all just haven't gotten them?

Mr. LINDSAY. They have to be reconstructed before they can be retrieved.

Mr. BARR. Yes.

Mr. LINDSAY. That's the thing we're going to work on trying to get collapsed to as short a time period as humanly possible.

Mr. BARR. Right. Were these lawyers that you talked to at the Department of Justice, were they the same lawyers representing the White House in civil litigation?

Mr. LINDSAY. In civil—what civil litigation?

Mr. BARR. Involving the White House.

Mr. LINDSAY. They represented the Office of Administration in a records case, the Carlin case. That's the matter which I'm familiar with what they did.

Mr. BARR. What case is that, the Carlin case?

Mr. LINDSAY. That case dealt with—there were plaintiffs that were essentially claiming that there should be Federal records systems, electronic records management systems by all Federal agencies, including, if my memory serves me, including Congress. The contention was is that any memorandum that you would generate should be retained in an electronic records management system similar to the one that we maintain with ARMS. That was one of the contentions in the argument.

Obviously, doing that, just from anyone's casual observation, would be a very expensive and complicated proposition, and the issues in those matters dealt with what was the scope of that, whether or not the general records 20 issued by the National Archives required that there be that kind of records management system.

Mr. BARR. The White House has known for quite some time that this problem exists.

Mr. LINDSAY. Which problem?

Mr. BARR. The problem that brings us all here today. And you've testified that it can be resolved, it's simply a question of money.

Mr. LINDSAY. No, I did not say it was a question of money. It wasn't a question of money at all. It was more a question of people than it was of money.

Mr. BARR. Well, you'd have to pay those people, correct?

Mr. LINDSAY. Not just a matter of paying the people. Contractors that are brought in must be managed by people who can make sure that the Government's interests are covered, in terms of making sure that they report responsibly, that they perform their responsibilities. Government workers must be involved in providing supervision for those activities.

Mr. BARR. Why hasn't it been done, then? I mean, you're confusing the issue, I think, here. I mean, is it that you all don't have enough people, you all don't have enough money, you all don't have enough qualified people? What is it?

Mr. LINDSAY. What we have to remember is——

Mr. BARR. And you tell us you've been frustrated for 2 years over this.

Mr. LINDSAY. Sir, in November 1998 my technical staff came to me and said, "You will not be able to meet your Y2K objectives with your systems." Plain and simple. That was a very serious proposition.

What that meant is not only would this e-mail issue or other things happen that would be a problem, but it also meant that we could possibly have systems failures, and our duty to provide that kind of administrative support to the Executive Office of the President would not be fulfilled.

So what we did is we compiled and looked at the list, and of all the mission-critical systems, those systems that we had to maintain to make sure that we continued to provide the support for the Presidency that we're required to do under statute——

Mr. BARR. Will you define—you keep using this term "mission critical system" and "mission critical project."

Mr. LINDSAY. Yes, sir.

Mr. BARR. Wasn't this mission critical?

Mr. LINDSAY. No, it was not, sir.

Mr. BARR. Oh, you don't consider this mission critical?

Mr. LINDSAY. It was not considered mission critical. There was a very——

Mr. BARR. To the Office of Independent Counsel and this committee? Would the Impeachment Committee have considered this mission critical?

Mr. LINDSAY. I don't know, sir.

Mr. BARR. I mean, it seems fairly important to me.

Mr. LINDSAY. Saying it is not mission critical does not mean that it is not important. All of the projects that we have——

Mr. BARR. It means it doesn't get done.

Mr. LINDSAY. No. It means that it doesn't get done first.

Mr. BARR. Well, it hasn't even been done last.

Mr. LINDSAY. It has been done—the \$600,000 worth of work that the contractor was going to charge us——

Mr. BARR. So it is a question of money.

Mr. LINDSAY [continuing]. Has been worked on.

Mr. BARR. Has the White House requested the funds necessary to do this?

Mr. LINDSAY. It was not a question of money. We have requested funds to do it. The question——

Mr. BARR. Well, if you don't need more money, then why hasn't it been done?

Mr. LINDSAY. Sir, I made the statement that it wasn't a question of money, step one.

Step No. 2 is that we needed the staff to be able to do it.

At the conclusion of Y2K, we had Government staff that had been working on Y2K work on the resolution of this issue. That is step two.

To resolve step one, I have made the request to the Treasury, Postal Appropriations Committee that they provide or allow us to spend funds from another account in that area so that we could pay for the contract to perform the work. But prior to making that request we had to know how much money to ask for. We had to know—and we've worked out a relationship with that committee where they have always asked us, prior to an appropriation, "What is the total project cost? What are the taxpayers going to have to pay to actually complete this issue?" They don't want to just begin a project and not know where it is going to end. And I think that is a very appropriate question that Mr. Kolbe's staff would have for us, and we wanted to make sure that we were prepared for that.

Mr. BARR. Now Mr. Kolbe's——

Mr. BURTON. Let me——

Mr. BARR. I yield, Mr. Chairman.

Mr. BURTON. Who did not consider the mission critical? Somebody had to tell you this is not a top priority. Who was that?

Mr. LINDSAY. There was a very elaborate process.

Mr. BURTON. No, no. Who?

Mr. LINDSAY. I could not tell you who.

Mr. BURTON. You don't know who told you this was not a top priority? When the independent counsel, this committee, the Impeachment Committee, the Judiciary Committee of the U.S. House was conducting—you can't remember who didn't—who told you——

Mr. LINDSAY. Sir, I really do believe we're getting two issues confused. The first issue is the responsiveness of documents. That is an issue that you very legitimately and I very much respect that you have a concern about having documents produced that should be produced to those appropriate bodies that should be produced. That is a determination that the counsel's office would have communicated and would be involved in making a determination.

There is a problem No. 2.

Mr. BURTON. Wait a minute.

Mr. LINDSAY. The second problem is the resolution of the——

Mr. BURTON. How did you know——

Mr. LINDSAY [continuing]. Glitch and the reconstruction.

Mr. BURTON. How did you know that getting these e-mails to the relevant individuals when you knew there was a glitch, how did

you know that was not mission critical? How did you know that? Somebody had to tell you that.

Mr. LINDSAY. How did I know it wasn't mission critical?

Mr. BURTON. Yes. I mean, how did you know this wasn't a top priority?

Mr. LINDSAY. Because we had a team of people, a Y2K team with a Y2K administrator, who followed Federal guidelines on assessing what mission-critical systems were.

Mr. BURTON. OK. Who was the head of that group?

Mr. LINDSAY. Terry Misich was our Y2K coordinator.

Mr. BURTON. OK. That was the Y2K coordinator. So they said—the Y2K coordinator said that this was not a top priority, but that the Y2K was more of a priority?

Mr. LINDSAY. I don't have any recollection of anyone on the Y2K team making specific reference to this particular project. The analysis—

Mr. BURTON. OK. Then who decided that this was not a mission-critical issue, because we had the independent counsel, Mr. Starr, we had this committee and other committees—I think Senator Thompson's committee—and we also had the Judiciary Committee all subpoenaing documents, and this was a top priority for the independent counsel and for the Congress of the United States. So who in the White House decided this was not a top priority, a mission-critical priority?

Mr. LINDSAY. The determination of mission-critical systems was a technical determination, as—

Mr. BURTON. Who made it?

Mr. LINDSAY. It was a collective decision.

Mr. BURTON. Well, who made it? Who was the head? Who made the decision?

Mr. LINDSAY. Ultimately, the sign-off on the mission-critical systems as to how we went about doing it was probably done by the director of the Office of Administration or by the assistant to the President for management and administration.

Mr. BURTON. And who are they?

Mr. LINDSAY. One or the other.

Mr. BURTON. And who are they?

Mr. LINDSAY. Ada Posey and Virginia Apuzzo.

Mr. BURTON. OK. So those two—

Mr. LINDSAY. In terms of the approval of that list. Do not take from the approval of that list that there was a specific—

Mr. BURTON. Well, somebody had to—

Mr. LINDSAY [continuing]. Analysis—

Mr. BURTON. Somebody had to say, "Hey, this is not something that we want to do right now. This is more important over here." And I just want to know who it was.

Mr. LINDSAY. Well, just to put it in context, sir, there were thousands of projects which existed in the Office of Administration, technical projects.

Mr. BURTON. I understand. I understand. But who set the priorities?

Mr. LINDSAY. A combination of people.

Mr. BURTON. You don't get your orders from a combination of people. You get them from somebody. Who put this down the list? Who set the priorities?

Mr. LINDSAY. Well, I beg to differ. One of the things that we worked on in working with our Appropriations Committee is that when we set priorities we set those priorities collectively. They required that we make those determinations——

Mr. BURTON. You know, we don't have a troika. We don't have three people running the country. We have one, a President of the United States. He is the chief—he's the Commander-In-Chief. He's the boss. Somebody—we have a chain of command. When you get your orders, you're getting them from somebody. And so this was a mission-critical issue as far as the Congress and the independent counsel was concerned, and I want to know who set the priorities.

Mr. LINDSAY. I can't answer the question more fully than I already have, sir.

Mr. BURTON. And I don't think you've answered it at all.

We've got documents that show that you were working on a Christmas card list and preparing new fax cover sheets. Were those mission critical?

Mr. LINDSAY. Y2K mission critical——

Mr. BURTON. No, no. We have got documents that we'll be glad to show you that show you were working on Christmas card lists and preparing new fax cover sheets. Were those more critical than getting these documents to the Congress?

Mr. LINDSAY. Those projects were completed—may have been completed, in addition to many, many other critical systems. The critical systems that are defined in the mission-critical list were things like the e-mail system, the maintenance of our network system. Those are the kind of mission-critical systems that we——

Mr. BARR. Mr. Chairman, if I can reclaim my time, could we get—do you have a list that shows where this particular matter fits on the list of priorities, then?

Mr. LINDSAY. I have a list of the mission-critical systems, which this project was not included on. I do have that.

Mr. BARR. OK. And who wrote that?

Mr. LINDSAY. It was prepared by the team of people who prepared the Y2K and prepared our Y2K——

Mr. BARR. Is there, like, a team leader?

Mr. LINDSAY [continuing]. Contractor. In addition to—I don't have a—I don't know who specifically were referred to it or did it, other than the Y2K coordinator, who was the person who I dealt with. There were other people, including contractor people. There were Government people.

Mr. BARR. Certainly contractor people——

Mr. LINDSAY. And they would prepare——

Mr. BARR [continuing]. Didn't determine that this matter was not important. I would hope that the White House wouldn't——

Mr. LINDSAY. I could not—I cannot answer the question more——

Mr. BARR [continuing]. Give that out to contractors.

Mr. LINDSAY [continuing]. Fully than I have already answered, sir.

Mr. BARR. How about that specific question?

Mr. LINDSAY. Which specific question?

Mr. BARR. Did contract people determine that this matter was not important enough to followup on?

Mr. LINDSAY. No, sir.

Mr. BARR. OK. So you can at least answer that.

Mr. Chairman, I have never heard anything like this. Maybe you have, but I haven't.

Mr. BURTON. All I can say is I'm tired and we're adjourned.

[Whereupon, at 7:43 p.m., the committee was adjourned.]

MISSING WHITE HOUSE E-MAILS: MIS- MANAGEMENT OF SUBPOENAED RECORDS— DAY TWO

THURSDAY, MARCH 30, 2000

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, D.C.

The committee met, pursuant to notice, at 11:30 a.m., in room 2154, Rayburn House Office Building, Hon. Dan Burton (chairman of the committee) presiding.

Present: Representatives Burton, Shays, Horn, Mica, Souder, Scarborough, LaTourette, Barr, Miller, Hutchinson, Walden, Waxman, Lantos, Norton, Cummings, Kucinich, and Davis.

Staff present: Kevin Binger, staff director; James C. Wilson, chief counsel; David A. Kass, deputy counsel and parliamentarian; Mark Corallo, director of communications; Pablo E. Carrillo and M. Scott Billingsley, counsels; Jason Foster and Kimberly A. Reed, investigative counsel; Kristi Remington, senior counsel; Robert Briggs, deputy chief clerk; Robin Butler, office manager; Michael Canty, staff assistant; Leneal Scott, computer systems manager; Lisa Smith Arafune, chief clerk; Maria Tamburri, assistant to chief counsel; Corinne Zaccagnini, systems administrator; Phil Schiliro, minority staff director; Phil Barnett, minority chief counsel; Kenneth Ballen, minority chief investigative counsel; Kristin Amerling, minority deputy chief counsel; Jon Bouker and Paul Weinberger, minority counsels; Ellen Rayner, minority chief clerk; Earley Green, minority assistant clerk; Andrew Su, minority research assistant; and Chris Traci, minority staff assistant.

Mr. BURTON. The committee will come to order.

I ask unanimous consent that all Members' and witnesses' written opening statements be included in the record and without objection so ordered.

I also ask unanimous consent that all articles, exhibits, extraneous or tabular material referred to be included in the record and without objection so ordered.

And since this is a continuation of last week's hearing we will follow the same rule, starting with a half hour of questions on each side and then going to the 5-minute rule.

As I said, we are going to continue the hearing we began last Thursday into the White House e-mail problem. Today, we will hear from White House Counsel Beth Nolan. And, welcome, we appreciate your patience. Because last week we anticipated having you. Then we found out additional information about the e-mails.

We thought it would be better to wait until this week because of the additional information we were looking into. So we appreciate your bearing with us.

We will also hear from Assistant Attorney General Robert Raben. Is that pronounced correctly?

Mr. RABEN. Raben.

Mr. BURTON. Mr. Raben.

I would like to briefly review what we learned last week.

First, we heard from a panel of Northrop Grumman employees. They operate the White House e-mail system. Two of them discovered the problem. Two and a half years worth of incoming e-mails weren't searched to comply with subpoenas from a number of independent counsels, our committee and others.

They were called in to a meeting with two White House officials. Their testimony about that meeting was pretty vivid.

They all remembered that they were ordered to keep the e-mail problem secret.

They all remembered being ordered not to tell their bosses about it.

Several remembered being ordered not to tell their spouses about it.

One remembered being told there would be a jail cell with his name on it if he told anyone. Three people remembered the jail cell comment.

One woman felt threatened enough that she risked being fired from her job rather than tell her boss about it. She told her boss, "I would rather be insubordinate than go to jail."

We then heard from the two White House officials who conducted the meeting—Laura Crabtree, now Laura Callahan, who was in the room; Mark Lindsay was on a speaker telephone. Miss Callahan testified that she never threatened anyone. She said she never told anyone they would go to jail.

Mark Lindsay couldn't remember the phone call or the meeting at all. He couldn't remember a followup conversation he held with a Northrop Grumman supervisor who was angry about the meeting. However, he was absolutely sure that he didn't threaten or intimidate anyone.

I don't understand how you can be so sure of what you said in a conversation that you can't remember, but that is his testimony.

So we have two very different accounts of the same meeting. How do we reconcile that? The only thing we can do is look into who has the motivation to tell the truth and who has the motivation not to.

It is clear that the Northrop Grumman employees were in an uncomfortable situation. Northrop Grumman has a contract with the White House. They could lose that contract. The contractors have to work with White House officials every day. If anything, they had an incentive to soft pedal what happened, not to rock the boat. They didn't do that.

On the other hand, Mr. Lindsay and Mrs. Callahan are accused of doing something that is really wrong. They are accused trying to intimidate people who work for them. They are accused of telling people to hide things from their supervisors. The morning of our hearing, the Justice Department announced that they were going

to open a criminal investigation. Mr. Lindsay and Mrs. Callahan are potential targets of that investigation. They had every reason, if they wanted to, to give misleading testimony or to engage in selective memory loss, which seems to be an epidemic at the White House.

Given the fact that the Northrop Grumman contractors have no incentive to make allegations against the people they work for and every incentive not to make those allegations, I believe greater weight has to be given to their testimony. I have to come to the conclusion that their version of events is much closer to the truth.

That is where we left matters last week.

Today, we focus on another facet of this problem. In many, many respects, it is an even more important facet. That is, when did the White House counsel's office find out about this mess and what did they do about it?

Here is why that is important. Northrop Grumman isn't responsible for complying with subpoenas to the White House. Laura Callahan and Mark Lindsay are not responsible for complying with subpoenas. The White House counsel is responsible for complying with the subpoenas. When the counsel's office finds out about a problem like this, they have an obligation. They either have to go get the information that wasn't searched and turn it over. Or, if they can't, they have an obligation to tell us and others who have subpoenaed information like the independent counsel that there is a problem.

The White House did not do either.

As I mentioned last week, the White House has a track record on subpoena compliance that is not very good:

We fought with the White House for 4 months in 1997 for documents in the illegal fundraising investigation. We had to threaten to hold the White House counsel, Mr. Ruff, in contempt to get the documents. White House lawyers ignored their responsibility to the Congress and to the American people.

Then in October 1997, months after they told us that we had all of the records, the White House found hundreds of videotapes of the President and the Vice President at fundraisers. He claimed that it was an honest mistake.

In the White House data base investigation, they withheld a staffer's handwritten notes from the committee for more than a year. Those notes indicated that the President had expressed an interest in the White House data base being compatible with a DNC data base.

These are just a few examples of the problems that we have had to deal with. The track record is pretty clear, complying with subpoenas is something this White House does as a matter of last resort.

The illegal fundraising investigation is just one area where we have been affected by this problem.

We have been conducting an investigation into the Waco stand-off. We subpoenaed documents from the White House. We were never told that potentially hundreds of thousands of incoming e-mails were not searched for information on Waco.

We conducted an investigation into the President's decision to grant clemency to 16 Puerto Rican terrorists. We issued two sub-

poenas to the White House for documents. I want to read you a paragraph from the response that we received from the White House, “we have been in the process of searching archived e-mails for materials responsive to the committee’s subpoena. Enclosed please find the responsive documents.”

That was last October. The White House counsel’s office had known about the e-mail problem for more than a year when we got that memo, and they didn’t tell us.

Why wasn’t this committee ever informed that 2½ years of incoming e-mails were never searched? Was the Justice Department informed? Were the various independent counsels informed? Those are questions that we want to address at today’s hearing.

We know that high-level White House officials were informed about the problem almost immediately.

On June 19, 1998, the deputy chief of staff, John Podesta, and the White House counsel, Charles Ruff, got a memo. It explained the problem in detail.

The same day, June 19th, Mark Lindsay apparently met with Mr. Ruff and Cheryl Mills, the President’s top two lawyers, to explain the problem.

Just 1 day before that, one of the Northrop Grumman contractors prepared an estimate, 246,000 of the more than 1.3 million e-mails that were on the server had not been archived. That is nearly one in five.

I have had a chance to review Ms. Nolan’s testimony. She states that Mr. Ruff was notified of the problem but that he never understood the full extent of the problem.

The President’s counsel never understood the full extent of the problem? I seriously doubt that explanation. This issue isn’t very complicated. There is a huge body of information that, to this date, has never been reviewed. If documents are withheld once, we can try to understand. If it occurs twice, you have justifiable doubts. But when it happens over and over again, and not just here but with the independent counsels and Senator Thompson, you start to get a little skeptical.

In addition, the selective memory loss that almost every witness has when they come before this committee from the White House also causes doubts.

Mr. Ruff had no intention of turning documents over to us in 1997 until we forced him to by starting to move a contempt citation.

Mr. Ruff and his staff told us that they had no idea that there were hundreds of videotapes of the President at fundraisers—even though his staff had drafted memos on the subject. They didn’t know about it, but they had already drafted memos on the subject.

Now we are being told although that Mr. Ruff knew about the e-mail problem he did not fully understand it. With all those subpoenas coming in for all this information, all this evidence to the White House counsel and he didn’t understand it? It would be easier to believe that if the White House had a better track record.

Ms. Nolan didn’t become White House counsel until August 1999. In her statement, she says that she wasn’t informed until January. She lays out the timeline of when she informed various agencies

conducting investigations. I want to tell you it bothers me about this sequence of events.

On March 7th, my staff interviewed the Northrop- Grumman contractors.

On March 8th, I wrote to Ms. Nolan to ask her why we had never been informed of this problem. I also wrote to Attorney General Reno to ask her why the Justice Department had not looked into it.

On March 10th, 2 days later, the Justice Department called the White House to ask them what was going on with the e-mails.

On March 15th, the White House counsel's office provided an explanation to the independent counsel's office.

On March 20th, the White House gave the Justice Department a written explanation.

The White House first discovered this problem in June 1998. The Justice Department has known about it for some time. They have been representing the White House in the Filegate lawsuit. It was on the front page of the Washington Times in February. Yet nobody seems to do anything around this town until our committee starts interviewing people and writing letters.

That is just wrong. I shouldn't have to embarrass people to get them to do their jobs.

This is almost the same thing that happened with the Justice Department's interviews of the President and the Vice President. We had to force the Justice Department to turn those interviews over to us. If we had not done that, nobody would have known that they never asked the President or the Vice President one single question about their foreign money contacts.

Two years ago, FBI Director Louis Freeh and prosecutor Charles LaBella tried to get the Attorney General to appoint an independent counsel for the illegal fundraising investigation. They both wrote long memos to Janet Reno. Those memos practically predict this e-mail mess that we now have.

Director Freeh and Mr. LaBella both understood that the Attorney General had too many conflicts to investigate her boss and other top aides and people at the White House. They both understood that the Justice Department would not be aggressive in pursuing evidence from the White House. And that is exactly what has come to pass.

One of the most amazing things to me is that the Justice Department is on both sides—both sides of this e-mail issue. The Civil Division is representing the White House in the Filegate lawsuit. They are working with the White House to delay production of the e-mails. The Campaign Finance Task Force, which has always been a paper tiger, is now investigating whether obstruction of justice has occurred.

It is pretty likely that the Justice Department will have to investigate its own conduct in covering up these e-mails.

Today, I sent a criminal referral to the Justice Department about possible perjury committed by Daniel Barry, a White House staffer who testified before the committee last week. In July 1999, Mr. Barry filed an affidavit, sworn affidavit in the Filegate civil suit. In that affidavit, he stated that the White House e-mails were archived in the ARMS system. He did not say anything about the

Mail2 problem, even though he had known about it for over a year. That is perjury.

The worst part of it is that Mr. Barry's affidavit was prepared by lawyers from the Justice Department and the White House. They were representing him at the time. They may have known that the affidavit was false and allowed Mr. Barry to sign it and submit it to the court. That conduct should be investigated as well so we can find out whether there was a criminal conspiracy to provide false testimony to a Federal court and cover up this problem.

You know, on a personal note, it makes me sick to think how Mr. Barry was used by the White House and the Justice Department. I don't think he is a bad person, but now he is in a lot of trouble. I wonder if anyone even cares in this White House or the Justice Department.

The problem is that the Justice Department cannot be expected to investigate these charges. They would be investigating potential criminal conduct by their own lawyers. It is just one more example of why the Attorney General needs to appoint a special counsel who is truly independent.

It is an intolerable situation. The Attorney General should have listened to Mr. Freeh and Mr. LaBella 2 years ago. She should have appointed an independent counsel. If she had, maybe the President would have been asked at least a few questions about the finance scandal, the campaign finance scandal, about James Riady, John Huang or Charlie Trie. Maybe the Vice President would have been at least asked a few questions about the Hsi Lai Temple.

Well, the independent counsel law has now expired, and the only alternative is for the Attorney General to appoint a special counsel. However, the least she can do is appoint this special counsel to get to the bottom of the e-mail mess. I have called on her to do so.

I ask unanimous consent to place my correspondence with the Attorney General about this matter into the record at the conclusion of my statement.

The Justice Department can't be on both sides of this issue. It is fairly clear that the Department is not going to be aggressive in pursuing these e-mails from the White House. The only answer is to appoint a special counsel to do the job. In the next few days, I am going to introduce a resolution on the House floor calling for a special counsel. I invite all of my colleagues to be cosponsors.

Mr. Raben is here from the Justice Department. We are going to be asking Mr. Raben some questions about when the Justice Department first learned about the missing e-mails. We are going to ask what has been done about it. We are going to ask for an explanation of how the Justice Department can possibly be on both sides of this conflict.

Mr. Raben, I hope you will be candid with us and give us as much information as possible. I want to thank you and Ms. Nolan both for being here.

[The prepared statement of Hon. Dan Burton follows:]

**Opening Statement
Chairman Dan Burton
Committee on Government Reform
“Missing White House E-Mails: Mismanagement of Subpoenaed
Records”
March 30, 2000**

Good morning.

Today, we are going to continue the hearing we began last Thursday into the White House e-mail problem. Today we will hear from White House Counsel Beth Nolan. We will also hear from Assistant Attorney General Robert Raben.

Last Week's Hearing:

I'd like to briefly review what we learned last week.

First, we heard from a panel of Northrop Grumman employees. They operate the White House e-mail system. Two of them discovered the problem -- two-and-a-half years worth of incoming e-mails weren't searched to comply with subpoenas.

They were called in to a meeting with two White House officials. Their testimony about that meeting was pretty vivid.

- They all remembered that they were ordered to keep the e-mail problem secret.
- They all remembered being ordered not to tell their boss about it.
- Several remembered being ordered not to tell their spouses about it.
- One remembered being told there would be "a jail cell with his name on it" if he told anyone. Three people remembered the "jail cell" comment.
- One woman felt threatened enough that she risked being fired from her job rather than tell her boss about it. She told her boss, "I'd rather be insubordinate than go to jail."

We then heard from the two White House officials who conducted the meeting. Laura Callahan was in the room. Mark Lindsay was on a speaker phone. Laura Callahan testified that she never threatened anyone. She said she never told anyone they would go to jail.

Mark Lindsay couldn't remember the meeting at all. He couldn't remember a follow-up conversation he had with a Northrop Grumman supervisor who was angry about the meeting. However, he was absolutely sure that he didn't threaten or intimidate anyone. I don't understand how you can be so sure what you said in a conversation that you can't remember, but that's his testimony.

So we have two very different accounts of the same meeting. How do we reconcile that? The only thing we can do is look at who has the motivation to tell the truth, and who has the motivation not to.

It's clear that the Northrop Grumman employees were in an uncomfortable situation. Northrop Grumman has a contract with the White House. They could lose that contract. The contractors have to work with White House officials every day. If anything, they had an incentive to soft-pedal what happened -- not to rock the boat. They didn't do that.

On the other hand, Mr. Lindsay and Mrs. Callahan are accused of doing something that is really wrong. They're accused of trying to intimidate people who worked for them. They are accused of telling people to hide things from their supervisors. The morning of our hearing, the Justice Department announced that they were opening a criminal investigation. Mr. Lindsay and Mrs. Callahan are potential targets of that investigation. They had every reason, if they wanted to, to give misleading testimony, or to engage in selective memory loss.

Given the fact that the Northrop Grumman contractors have no incentive to make allegations against the people they work for, and every incentive not to make those allegations, I believe greater weight has to be given to their testimony. I have to come to the conclusion that their version of events is closer to the truth.

That's where we left matters last week.

Today's Hearing

Today, we focus on another facet of this problem. In many respects, it's an even more important facet. That is -- when did the White House Counsel's office find out about this mess, and what did they do about it?

Here's why that's important. Northrop Grumman isn't responsible for complying with subpoenas to the White House. Laura Callahan and Mark Lindsay aren't responsible for complying with subpoenas. The White House Counsel is responsible for complying with subpoenas. When the Counsel's office finds out about a problem like this, they have an obligation. They either have to go get the information that wasn't searched and turn it over. Or, if they can't, they have an obligation to tell us that there is a problem.

The White House didn't do either.

As I mentioned last week, the White House has a track record on subpoena compliance that's not good:

- We fought with the White House for four months in 1997 for documents in the illegal fundraising investigation. We had to threaten to hold the White House Counsel in contempt to get the documents. White House lawyers ignored their responsibility to the Congress and to the American people.

- Then, in October of 1997, months after they told us that we had all of the records, the White House found hundreds of videotapes of the President and Vice President at fundraisers. They claimed that it was an honest mistake.
- In the White House Database investigation, they withheld a staffer's hand-written notes from the Committee for more than a year. Those notes indicated that the President had expressed an interest in the White House database being compatible with the DNC's database.

These are just a few examples of the problems we had. The track record is pretty clear: complying with subpoenas is something this White House does as a matter of last resort.

The illegal fundraising investigation is just one area where we've been affected by this problem.

We've been conducting an investigation into the Waco standoff. We subpoenaed documents from the White House. We were never told that potentially hundreds of thousands of incoming e-mails weren't searched for information on Waco.

We conducted an investigation into the President's decision to grant clemency to 16 Puerto Rican terrorists. We issued two subpoenas to the White House for documents. I want to read you a paragraph from the response we received:

"We have been in the process of searching archived e-mails for materials responsive to the Committee's subpoena. Enclosed please find responsive documents..."

That was last October. The White House Counsel's office had known about the e-mail problem for more than a year, and they didn't tell us.

Why wasn't this Committee ever informed that two-and-a-half years of incoming e-mails were never searched?

Was the Justice Department informed?

Were the various Independent Counsels informed?

Those are questions that we want to address at today's hearing.

We know that high-level White House officials were informed about the problem almost immediately:

- On June 19, 1998, the Deputy Chief of Staff, John Podesta, and the White House Counsel, Charles Ruff, got a memo. It explained the problem in detail.

- The same day, June 19, Mark Lindsay apparently met with Mr. Ruff and Cheryl Mills -- the President's top two lawyers -- to explain the problem.
- Just one day before that, one of the Northrop Grumman contractors prepared an estimate -- 246,000 of the more than 1.3 million e-mails that were on the server had not been archived.

That's nearly one in five.

I've had a chance to review Ms. Nolan's testimony. She states that Mr. Ruff was informed of the problem, but that he never understood the full extent of the problem.

I seriously doubt that explanation. This issue just isn't very complicated -- there is a huge body of information that, to this day, has never been reviewed. If documents are withheld once, I can try to understand. If it occurs twice, you have justifiable doubts. But when it happens over and over again, and not just here, but with Independent Counsels and Senator Thompson, you start to get a little skeptical.

Mr. Ruff had no intention of turning documents over to us in 1997 until we forced him to.

Mr. Ruff and his staff told us that they had no idea that there were hundreds of videotapes of the President at fundraisers (even though his staff had drafted memos on the subject).

And now we're being told that although Mr. Ruff knew about the e-mail problem, he didn't fully understand it. It would be easier to believe that if the White House had a better track record.

Ms. Nolan didn't become White House Counsel until August of 1999. In her statement, she says that she wasn't informed until January. She lays out the timeline of when she informed various agencies conducting investigations. I want to tell you what bothers me about this sequence of events.

- On March 7, my staff interviewed the Northrop Grumman contractors.
- On March 8, I wrote to Ms. Nolan to ask her why we'd never been informed of this problem. I also wrote to Attorney General Reno to ask her why the Justice Department hadn't looked into it.
- On March 10, the Justice Department called the White House to ask them what was going on with the e-mails.
- On March 15, the White House Counsel's Office provided an explanation to the Independent Counsel's office.

- On March 20, the White House gave the Justice Department a written explanation.

The White House first discovered this problem in June of 1998. The Justice Department has known about it for some time. They've been representing the White House in the Filegate lawsuit. It was on the front page of the Washington Times in February. Yet nobody seems to do anything around this town until our Committee starts interviewing people and writing letters.

That's just wrong. I shouldn't have to embarrass people to get them to do their jobs.

The Justice Department's Role

This is almost the same thing that happened with the Justice Department's interviews of the President and the Vice President. We had to force the Justice Department to turn them over to us. If we hadn't, nobody would have known that they never asked the President or the Vice President a single question about their foreign money contacts.

Two years ago, FBI Director Louis Freeh and prosecutor Charles LaBella tried to get the Attorney General to appoint an independent counsel for the illegal fundraising investigation. They both wrote long memos to Janet Reno.

Those memos practically predict this e-mail mess that we have. Director Freeh and Mr. La Bella both understood that the Attorney General had too many conflicts to investigate her boss and his top aides. They both understood that the Justice Department would not be aggressive in pursuing evidence from the White House. That's exactly what's come to pass.

One of the most amazing things to me is that the Justice Department is on both sides of this e-mail issue. The Civil Division is representing the White House in the Filegate lawsuit. They're working with the White House to delay production of the e-mails. The Campaign Financing Task Force, which has always been a paper tiger, is now investigating whether obstruction of justice has occurred.

It's pretty likely that the Justice Department will have to investigate its own conduct in covering up these e-mails. Today, I sent a criminal referral to the Justice Department about possible perjury committed by Daniel Barry, a White House staffer who testified before the Committee last week. In July 1999, Mr. Barry filed an affidavit in the Filegate civil suit. In that affidavit, he stated that White House e-mails were archived in the ARMS system. He didn't say anything about the Mail2 problem, even though he had known about it for a year. That's perjury. The worst part of it is that Mr. Barry's affidavit was prepared by lawyers from the Justice Department and the White House. They were representing him at the time. They may have known that the affidavit was false, and allowed Barry to sign it and submit it to the court. That conduct should be investigated, so we can find out whether there was a criminal conspiracy to provide false testimony to that federal court, and cover up this problem. You know, on a personal note, it makes me sick to think how Mr. Barry was used by the White House and the Justice Department. I don't think he's a bad person, but now he's in a lot of trouble. I wonder if anyone even cares in this White House or Justice Department?

The problem is that the Justice Department cannot be expected to investigate these charges. They would be investigating potential criminal conduct by their own lawyers. It's just one more example why the Attorney General needs to appoint a Special Counsel.

It's an intolerable situation. The Attorney General should have listened to Mr. Freeh and Mr. LaBella two years ago. She should have appointed an independent counsel. If she had, maybe the President would have been asked at least a few questions about James Riady, or John Huang, or Charlie Trie. Maybe the Vice President would have been asked at least a few questions about the Hsi Lai Temple.

Well, the Independent Counsel law has expired now. However, the least she can do is appoint a "special counsel" to get to the bottom of the e-mail mess. I've called on her to do so. I ask unanimous consent to place my correspondence with the Attorney General about this matter into the record at the conclusion of my statement. The Justice Department can't be on both sides of this issue. It's fairly clear that the Department is not going to be aggressive in pursuing these e-mails from the White House. The only answer is to appoint a special counsel to do the job. In the next few days, I'm going to introduce a resolution on the House floor calling for a special counsel. I invite all of my colleagues to be cosponsors.

Mr. Raben is here from the Justice Department. We're going to be asking Mr. Raben some questions about when the Justice Department first learned about the missing e-mails. We're going to ask what's been done about it. We're going to ask for an explanation of how the Justice Department can possibly be on both sides of this conflict. Mr. Raben, I hope you will be candid and give us as much information as possible.

Mr. Raben, thank you for being here.

Ms. Nolan, thank you for being here.

I now recognize Mr. Waxman for his opening statement.

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2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5874
MINORITY (202) 225-5001
TTY (202) 225-6852

March 8, 2000

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BERNARD SANDERS, VERMONT,
INDEPENDENT

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear General Reno:

I am concerned that the Department of Justice has made no effort to obtain an entire category of documents that has potential bearing on the Campaign Finance investigation. Yesterday, the Committee learned that hundreds of thousands of e-mails sent to White House employees from outside the White House complex have never been reviewed to determine whether they are responsive to document requests and subpoenas. These e-mails were received during the critical 1996-1998 time frame. As of yesterday, the Justice Department had made no effort to contact individuals who manage White House e-mails, and there is no indication that you have ever pushed the White House for a review of this information, despite the fact that this matter has been reported in the press.

The appearance created by this failure is that you have no intention of pursuing a vigorous investigation of the White House.

In his memorandum recommending the appointment of an Independent Counsel, Charles LaBella wrote: "The contortions that the Department has gone through to avoid investigating these allegations are apparent." He also wrote: "If these allegations involved anyone other than [redacted name], an appropriate investigation would have commenced months ago without hesitation." Recently we learned that you deemed it irrelevant to question the President about James Riady's offer of one million dollars or about any other facet of the foreign fundraising scandal. We also discovered that your prosecutors failed to ask the Vice President about the Hsi Lai Temple event. Earlier, we learned that a search warrant for Charlie Trie's home was quashed just before it could be served. Now we find that you apparently aren't even hiding behind the pretense that the White House should produce information relevant to the campaign finance investigation.

I request that you inform this Committee of the steps you are going to take to address the White House's failure to provide the Justice Department with critical information.

Sincerely,


Dan Burton
Chairman

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2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5071
MINORITY (202) 225-5080
TTY (202) 225-6862

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 21, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Justice Department's Failure to Investigate White House E-Mails

Dear General Reno:

On March 8, 2000, I wrote to you about the Justice Department's apparent failure to make any effort to obtain a large category of documents potentially relevant to the campaign fundraising investigation. In that letter, I pointed out that the Justice Department had not contacted any of the contractors responsible for the White House e-mail system, and had apparently not pushed the White House to produce this information to the Justice Department.

However, as the Committee has investigated this matter, I have learned that not only has the Justice Department failed to push for any of this information, it is actually playing a key role in keeping the information from coming to light. Currently, the Justice Department is representing the Executive Office of the President ("EOP") in civil suits brought in the "Filegate" case. In recent pleadings, plaintiffs have alleged suppression of evidence and threatening of witnesses concerning mismanaged White House e-mail records that may touch on Filegate matters affecting their case. Rather than responding to the Plaintiffs' allegations with concern, or even withdrawing from the case, the Justice Department lawyers have responded like seasoned defense counsel: they disparaged the plaintiffs' claims; they said that this was old news; and they claimed that it would be impossible to produce the e-mails. In its March 5, 2000, memorandum to the court, the Justice Department first characterized the plaintiffs' allegations as "offensive." Then, it stated that the "technical failure [to produce the e-mails] is a long-standing matter of public record that has been confirmed by the White House itself." Finally, the Justice Department stated that the "EOP has advised both plaintiffs and this Court on innumerable occasions that it has not produced any backed-up or archived e-mail in response to plaintiffs' many discovery requests. Time and again, EOP has forthrightly objected that it is unduly burdensome to perform broad-based searches of archived and backed-up e-mail, especially e-mail stored in a non-word searchable format."

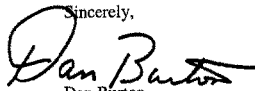
The Honorable Janet Reno
Page 2

While the Justice Department's zeal in defending its client, the White House, is understandable, it is also troubling. The Justice Department is supposed to be conducting a thorough criminal investigation of allegations of illegal fundraising in the 1996 elections, including allegations about White House involvement in the scandal. Just last week, you stated that "the investigation continues, and we will continue to pursue every lead." Yet, the Justice Department's filing in the Filegate case makes it clear that you are not making any effort to follow this lead. In fact, the Justice Department is disparaging these claims, and is assisting the White House in its efforts to keep these records from being produced to the Justice Department or any other investigative body. These facts lead me to ask a number of questions:

- When did the Justice Department learn of the problem with the White House e-mail system?
- When was the Campaign Financing Task Force informed of the problem with the White House e-mail system?
- Is it the opinion of the Campaign Financing Task Force that allegations that White House e-mails were not produced to the Task Force are "offensive," as the Justice Department suggested in its recent legal brief?
- Is it the Campaign Financing Task Force's position that "it is unduly burdensome to perform broad-based searches of archived and backed-up e-mail, especially e-mail stored in non-word searchable format," as suggested in the Justice Department's brief?

When FBI Director Freeh and Charles La Bella concluded that you were not able to conduct the campaign fundraising investigation, they were obviously right. This conclusion was reinforced when it was learned that your prosecutors had failed to question either the President or the Vice President about any aspect of the foreign money scandal during five separate interviews. It is inconceivable that the Justice Department can on one hand help the White House avoid production of the missing e-mails, and on the other hand, aggressively pursue the e-mails in the campaign fundraising investigation.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

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MAJORITY (202) 225-5074
MINORITY (202) 225-5581
TTY (202) 225-6858

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RANKING MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WOOD, JR., WEST VIRGINIA
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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 27, 2000

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Tenth and Constitution Avenue, N.W.
Washington, DC 20530

Dear General Reno:

The Campaign Financing Task Force has announced an investigation of possible obstruction of justice involving documents not produced to this Committee, various Independent Counsels, and the Justice Department. In a Declaration to the United States District Court for the District of Columbia, filed on March 22, 2000, Robert J. Conrad, Jr., the Chief of the Justice Department Campaign Financing Task Force, stated that: "continued inquiry into this matter by the Civil Division . . . would interfere with and potentially compromise the Task Force's investigation of the pending allegations." Thus, the Task Force, which is supervised by you, has declared that the Civil Division, which is supervised by you, might "interfere with and potentially compromise" a major investigation. First, you rejected an Independent Counsel in favor of running your own investigation of the President, Vice President, and your political party. Now you have decided to use the same Campaign Financing Task Force, supervised by yourself, to investigate yourself and the Justice Department lawyers who helped keep the e-mails from being produced to Congress, Independent Counsels, and your own Campaign Financing Task Force.

Under normal circumstances, I would welcome a Justice Department investigation of possible criminal conduct. However, because you and your staff are in charge, the proposed investigation is fatally flawed. When Director Louis Freeh and then-Task Force Chief Charles La Bella recommended an Independent Counsel in 1998, the words they used effectively predicted the current e-mail scandal. They believed that an

investigation led by the Attorney General would not be able to take steps necessary to secure evidence, vigorously investigate Democrat political leaders and their party, and promote confidence in the rule of law. Now, two years later, the e-mail scandal has proven their point. This part of the campaign finance scandal, however, points directly at the Justice Department -- for what the Justice Department did do (represent the White House in keeping the e-mails from investigators) and for what the Justice Department did not do (force production of the e-mails for its own investigation).

There is growing consensus that you were, and are, unable to supervise investigations involving the President, the Vice President, and your political party. For this reason, I call on you to appoint a Special Counsel to investigate the obstruction of justice charges against the White House. The individual chosen should be completely independent, should have no current ties to the Justice Department, and should be seen by the American people to be fair and impartial. With all due respect to Mr. Conrad, he is under your supervision, and he will be subject to the same constraints that have made your foreign money investigation a tragic misadventure. Simply put, you cannot be in charge of investigating yourself and the Civil Division, which is now headed by your former Chief of Staff.

I will address the following points in turn: (1) the perception that you are not able to do your job; (2) allegations that you are predisposed to provide unfair advantages to your political colleagues in matters involving the campaign finance scandal; and (3) the apparent conflict of interest within the Justice Department in the e-mail obstruction of justice matter.

I. The Perception that You Are Not Able to Do Your Job

I will refrain from using this letter as a vehicle for restating my views of your conduct in the campaign financing investigation. They are well known. Rather, I ask that you consider what the media is telling the citizens of this country. I realize that you believe that you should be free from the pressure of the media, and I share your view that an Attorney General should not be driven solely by the dictates of public opinion. Nevertheless, the perception that you have created is devastating to the cause of justice, harmful to the institution you preside over, and damaging to the thousands of good men and women who serve this country in the Justice Department and the Federal Bureau of Investigation. The following selection of assessments speak to your fitness to preside over the e-mail investigation and should give you a taste of what will be said if you elect to run this investigation:

The general election campaign has gotten off to an unusually fast start, and it has done so under a cloud of suspicion created by **Attorney General Janet Reno's incompetent and politically biased response to the campaign finance abuses of the 1996 campaign.**¹

¹ *Campaign Finance Battles*, THE NEW YORK TIMES, March 14, 2000, at A22.

The [release of the La Bella memorandum and other] documents are **further evidence of Ms. Reno's politicized handling of the campaign fund-raising issue and of her dedication to protecting Democratic Party interests from start to finish.**²

[O]ccasional glimpses the public has had of the Justice Department investigation have **inspired less than total confidence.**³

She [Attorney General Reno] **has sought to protect the White House at every turn**, especially after meeting with the President on her reappointment at the outset of his second term. She has named special counsels for trivial cases against Cabinet members, but refused them on serious charges against the President and Vice President despite the La Bella and Freeh recommendations.⁴

Today few doubt any longer that **Ms. Reno is an adjunct to the Clinton-Gore political operation.** . . . The Justice task force's investigation into the ties between China and the 1996 Clinton campaign contributions has been a catalog of lapses.⁵

The **inability of Attorney General Janet Reno and her politicized Justice Department to investigate the Clinton Administration** shows that the country needs to polish the independent counsel mechanism, not junk it.⁶

[I]n **an unforgivable dereliction of duty**, Attorney General Janet Reno failed to pursue the clear violation of the letter and spirit of the campaign laws.⁷

If Ms. Reno decides in the end to appoint an independent counsel, the [Government Reform] committee's contempt vote will be rendered meaningless. If, on the other hand, she refuses, she risks the unthinkable. At that point, **it would be better for her to resign than to continue to ignore a Congress that finds her unbelievable.**⁸

She comes not to expose political corruption, but to bury it.⁹

² *The Justice Department Memos*, THE NEW YORK TIMES, March 11, 2000, at A14.

³ *Dan Burton's Question*, THE WASHINGTON POST, December 19, 1999, at B6.

⁴ *Reno's Most Wanted*, THE WALL STREET JOURNAL, September 7, 1999, at A24.

⁵ *Watching the Watchdog*, THE WALL STREET JOURNAL, July 1, 1999, at A22.

⁶ *More Bad Advice From Ken Starr*, THE NEW YORK TIMES, April 15, 1999, at A30.

⁷ *A New Year for Campaign Reform*, THE NEW YORK TIMES, December 27, 1998, at §4, p.8.

⁸ *Reno's Dilemma; Appoint an Independent Counsel or Resign*, THE DALLAS MORNING NEWS, August 7, 1998, at 36A.

⁹ *Law School for Janet Reno*, THE NEW YORK TIMES, July 19, 1998, at §4, p.14.

Every decision she has made and comment she has offered has minimized the offenses and excused the conduct of the White House and the Democratic Party. The person who is supposed to be the nation's chief prosecutor, ever alert for signs of infraction, sounds instead like a technicality-hunting defense lawyer.¹⁰

"Even if it looks like a duck," a Justice Department source said recently, explaining the task force approach, "we can't make it quack."¹¹

These are harsh, yet consistent, assessments of your role in the campaign finance investigation. In many respects, they are your legacy. It is important, however, that the institution you run not be further injured. Doubtless, at your next news conference you will tell us that you 'call them as you see them' and that you don't do 'what ifs.' But this is a serious matter, and it calls for a real investigation, not platitudes. You were in charge when the Justice Department's Civil Division began to help the White House craft its efforts to hide these e-mails. You were in charge when your lawyers went to bat for the White House instead of against it. The e-mail investigation is, in part, of you, and it would be absurd for you to cling to the fiction that you can investigate yourself.

Thus, I call upon you to appoint a Special Counsel.

II. The Perception that You Are Predisposed to Provide Unfair Advantages to Your Political Colleagues in Matters Involving the Campaign Finance Scandal

Charles La Bella, the former head of your campaign financing task force made the following observations to you:

[The] Task Force has commenced criminal investigations of non-covered persons based only on a wisp of information.¹²

If these allegations involved anyone other than [redacted], an appropriate investigation would have commenced months ago without hesitation.¹³

The contortions that the Department has gone through to avoid investigating these allegations are apparent.¹⁴

[There is] no acceptable explanation as to why one is the subject of a full criminal inquiry and the other is and remains in investigative limbo.¹⁵

¹⁰ *Meltdown at Justice*, THE NEW YORK TIMES, December 7, 1997, at §4, p.16.

¹¹ Susan Schmidt and Roberto Suro, *Troubled from the Start; Basic Conflict Impeded Justice Probe of Fund-Raising*, THE WASHINGTON POST, October 3, 1997, at A1.

¹² Charles La Bella, THE LA BELLA MEMORANDUM (unreleased).

¹³ Charles La Bella, THE LA BELLA MEMORANDUM (unreleased).

¹⁴ Charles La Bella, THE LA BELLA MEMORANDUM (unreleased).

The Department's treatment of the Common Cause allegations has been marked by gamesmanship rather than an evenhanded analysis of the issues. That is to say, since a decision to investigate would inevitably lead to a triggering of the ICA [Independent Counsel Act], those who are hostile to the triggering of the Act had to find a theory upon which we could avoid conducting an investigation.¹⁶

The Task Force never conducted an inquiry or investigation of the entire campaign finance landscape in order to determine if there exists specific information from a credible source that a covered person . . . has violated a federal criminal law.¹⁷

These observations go to a central theme: you have presided over an investigation that has given an unfair advantage to the President, the Vice President, high government officials, and members of the Democrat Party. How else can one explain the following:

- The Justice Department failed to ask the President a single question about foreign money or James Riady's promise of one million dollars.
- The Justice Department failed to ask the Vice President a single question about the Buddhist temple fund-raiser. Furthermore, one week before the 1996 election, the Justice Department pulled prosecutors off the Buddhist Temple fund-raiser case.
- The Justice Department failed to investigate, or delayed an investigation of, the subject of the above-mentioned quote ("if these allegations involved anyone other than [redacted], an appropriate investigation would have commenced months ago without hesitation"). My suspicion, from the context of the quote, is that the individual referred to is Harold Ickes, but the fact that you delayed the investigation is perhaps more important than the identity of the individual.
- The Justice Department failed to pursue evidence, ranging from search warrants related to Charlie Trie's documents to the White House e-mails that are the subject of the current controversy. Recently this Committee subpoenaed the actual document requests made to the White House by the Justice Department. I am concerned that we will soon learn that there are many other areas that the Justice Department neglected to pursue.
- When the Justice Department failed to recommend a fine for Charlie Trie, the judge in the case had to take it upon himself to reject the Department's recommendation and stiffen the penalty.

¹⁵ Charles La Bella, THE LA BELLA MEMORANDUM (unreleased).

¹⁶ Charles La Bella, THE LA BELLA MEMORANDUM (unreleased).

¹⁷ Charles La Bella, THE LA BELLA MEMORANDUM (unreleased).

These examples do not stand alone. There are many more.

One other matter cannot be ignored when discussing the predisposition to go easy on your political colleagues and the Democrat Party. When Mr. La Bella wrote his memorandum recommending the appointment of an Independent Counsel, he pointed out that you consistently used an erroneous interpretation of the Independent Counsel statute. He said: "[t]he reference to specific and credible evidence is just wrong."¹⁸ He was referring to your many pronouncements that appointment of an Independent Counsel required specific and credible evidence, as opposed to the language of the statute, which actually required specific information from a credible source. La Bella pointed out that "the threshold has been raised from consideration of the specificity of the information and credibility of the source to a determination that there is specific and credible evidence of a federal violation. Evidence suggests something which furnishes proof, information need not be as directed. While the distinction may appear to be subtle, it is significant." Again, your misapplication of the statute is important when we consider Mr. Conrad's request to have you take charge of the e-mail investigation.

In the e-mail investigation, it would be inappropriate to allow lax enforcement or manipulation of the law in order to benefit political colleagues and a political party.

Thus, I call upon you to appoint a Special Counsel.

III. The Conflict of Interest Within the Justice Department in the E-mail Obstruction of Justice Matter

After all that has happened since you took control of the campaign finance investigation, I believe that you are not able to investigate the possibility of White House obstruction of justice. In fact, there are serious and legitimate concerns that your own lawyers may be part of possible obstruction of justice.

On Friday, March 24, 2000, I received an affidavit from Laura Callahan. She had testified at a hearing before my Committee on March 23, 2000, and, in an effort to correct her testimony from the previous day, she submitted an affidavit. In the affidavit, she stated "I wish to clarify that I did discuss email issues with Department of Justice attorneys in connection with currently pending civil litigation." Her contacts with the Justice Department took place in 1998 and resulted in the submission of an affidavit to the United States District Court for the District of Columbia in 1998.

One of the lawyers who assisted in the preparation of the 1998 affidavit was James Gilligan, who recently denigrated the existence and importance of the e-mails in a filing in District Court in the civil case *Cara Leslie Alexander v. Federal Bureau of Investigation*, No.96-2123/97-1288 (RCL).¹⁹ Furthermore, Justice Department lawyers

¹⁸ Charles La Bella, THE LA BELLA MEMORANDUM (unreleased).

¹⁹ The Department of Justice stated in a recent filing with the District Court: "As a threshold matter, defendant observes that plaintiffs' latest rhetorical outburst concerning e-mail can only be described as yet

assisted Daniel A. Barry in his submission of an affidavit to the same District Court on July 9, 1999. At that time, the problem was widely known within the White House, and Mr. Barry was clearly frustrated by his supervisors' failure to move towards a solution to the Mail2 e-mail problem. Notwithstanding his knowledge of the problem, Mr. Barry failed to refer to the matter in his affidavit.

Although we do not know what Mr. Gilligan knew regarding the extent of the problem, it seems unlikely that he was oblivious to the fact that there was a universe of information that had never been reviewed for responsiveness to subpoenas and document requests. In his zealous representation of your client, the White House, he contributed to the failure to produce information to your own Campaign Finance Task Force, to my Committee, and to various Independent Counsels. Although I risk stating the obvious, I do not see how you could represent both sides in the same case. It is well-nigh impossible to tell your client to produce information when you are counseling the same client how to avoid producing the same information. Indeed, Justice Department lawyer James Gilligan made representations in open court on March 24, 2000, that the Justice Department was "on the horns of a dilemma" and that the Department was faced with either impeding the criminal investigation, or failing to defend vigorously their client, the White House.

From my perspective, I do not see how you can tolerate the representation that the e-mails are not consequential, as indeed has been made by Mr. Gilligan. I can only imagine how you would react if, in a tax fraud case (or a criminal assault case, or a civil rights case, or a voting rights case, or any other type of legitimate federal investigation and prosecution), the individual under investigation took the position that production of a large quantity of documents freed him from complying with specific requests. This, in effect, is the position of the White House in the current controversy. The "I have complied with some of your request so please go away" theory of investigation may be the standard you have set for your campaign finance inquiries, but it is not acceptable to the Committee of which I am Chairman.

In the case of the White House electing not to inform this Committee that it was not going to undertake a search for documents responsive to subpoenas, an obstruction of justice investigation will ultimately have nothing to do with the content of the e-mails. The issue is relatively simple: either White House lawyers made a good faith attempt to do what they were required to do by law, or they did not. It is my belief that your Justice Department cannot be relied upon to get to the bottom of this matter because of the conflict within the Justice Department and because of your own demonstrated lack of enthusiasm when it comes to investigating the White House, the President, the Vice President, and your political party.

another 'distraction from the issues in this lawsuit.' The technical failure to which plaintiffs allude is a long-standing matter of public record that has been confirmed by the White House itself." Executive Order of the President's Memorandum in Opposition to Plaintiffs' Requests to Restrict Disclosure of the First and Second Supplements to Plaintiffs' Motion for Evidentiary Hearing, and in Support of Cross Motion for Expedited Consideration dated March 6, 2000 (quoting Memorandum and Order dated April 21, 1999). It is worth noting, for the record, that this Committee was not informed by the White House of the "technical failure."

For the reasons cited above, I request that you appoint a Special Counsel to determine whether either or both the White House and the Department of Justice conspired to obstruct justice by either failing to search for information responsive to this Committee's subpoenas, or by failing to represent that the White House had not searched for information responsive to this Committee's subpoenas. I also request that this Special Counsel investigate whether untruthful certifications were made to the Committee regarding productions of subpoenaed documents.

Sincerely,

 Dan Burton
 Chairman

cc: United States District Judge Royce C. Lamberth
 Louis Freeh, Director of the Federal Bureau of Investigation
 Independent Counsel Robert Ray
 Independent Counsel Ralph Lancaster
 Independent Counsel Donald Smaltz
 Independent Counsel David Barrett
 Independent Counsel Carol Elder Bruce
 Independent Counsel Curtis Von Kann
 Senator John Danforth
 Honorable Henry A. Waxman, Ranking Minority Member, Committee on
 Government Reform
 Members, Committee on Government Reform

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TTY (202) 455-4852

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BERNARD SANDERS, VERMONT,
INDEPENDENT

March 30, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Criminal Referral of Daniel A. Barry

Dear General Reno:

I am writing to refer to you information about possible violations of law that have been uncovered in the course of the Committee's investigation of the White House e-mail system. The Committee has learned that Daniel A. Barry, the Deputy Data Center Manager/Electronic Records Manager in the Executive Office of the President may have made false statements under oath in civil litigation relating to the White House's handling of confidential FBI files. I urge you to give these charges the serious examination they deserve. As I will explain below, the only way that this referral can receive serious attention is if it is referred to a special counsel.

At all relevant times during the civil litigation, *Alexander v. FBI*, Mr. Barry was represented by attorneys in the Justice Department's Civil Division. Justice Department lawyers oversaw the preparation of Mr. Barry's affidavit which now appears to be perjurious. Justice Department lawyers filed that affidavit in court. Accordingly, any examination of the issues raised by this referral will include an investigation of the role of Justice Department attorneys in offering false testimony in the *Alexander* lawsuit. As I have explained in two earlier letters, I do not believe that the Justice Department can carry out a credible investigation of the White House e-mail system. Accordingly, I have called on you to appoint a special counsel to investigate the allegations against the White House. To date, you have ignored my call. However, now that there is evidence that the Justice Department itself may have been involved in preparing and presenting false testimony relating to the White House e-mail system, I cannot see that you have any choice but to appoint a special counsel.

The Honorable Janet Reno
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A. Daniel Barry's Role in the E-Mail Matter

As the Deputy Data Center Manager/Electronic Records Manager in the Executive Office of the President, Mr. Barry is responsible for managing the Automated Records Management System ("ARMS"), and in fact, was one of the primary designers of the ARMS system. As the ARMS manager, Barry receives requests and processes search requests from the White House Counsel's office in response to subpoenas and document requests.

Barry first became aware of an anomaly in the ARMS system in January 1998, when he was conducting a search of the ARMS system for e-mails relating to Monica Lewinsky. While conducting this search, Barry noticed that the records retrieved by ARMS appeared to be missing an intermediate message between Monica Lewinsky and an EOP computer user. While ARMS had no record of this e-mail, Barry and a colleague were able to find the e-mail with a manual search of the server. Barry informed his superiors of this anomaly, but did not necessarily attribute it to a systemic problem with ARMS.

In late May and early June of 1998, Northrop Grumman contract employees at the White House discovered that there was a widespread problem with the ARMS system. Barry informed the Committee that he was made aware of the problem in July 1998, and began work on it soon thereafter. From July 1998 through 1999, Barry was involved in attempting to repair the ARMS system so that it would contain a complete and accurate archive of White House e-mails.

B. Barry's False Affidavit in the Filegate Lawsuit

Barry gave a deposition and filed a number of affidavits in *Alexander v. FBI*, a civil lawsuit regarding unauthorized access to FBI files. Barry offered testimony regarding the White House computer system generally, and the White House e-mail system specifically. On July 9, 1999, Barry filed an affidavit about the White House e-mail system in the *Alexander* case. (Attachment 1.) The purpose of Barry's affidavit was to explain how the White House would conduct the plaintiffs' request to search for e-mail relating to the case. Barry also explained how much that search would cost, and how much time it would take.

Paragraph 4 of Mr. Barry's affidavit states:

Since July 14, 1994, e-mail within the EOP system administered by the Office of Administration has been archived in the EOP Automated Records Management System (ARMS). With this current system, this e-mail is susceptible to being word-searched for a single character string (e.g. "FBI" or "FBI files") or a multiple character string ("and" and "or" searches) found on any one line of text.

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Through testimony provided in interviews and hearings, documents, and representations made to the Committee by White House Counsel, we have learned that Paragraph 4 is utterly false. Furthermore, we have learned that Mr. Barry knew his statement was false when he made it.

1. Barry's Statement is False

As indicated above, in May or June of 1998, Northrop Grumman contract employees working for the EOP identified a significant problem with the EOP e-mail system. Incoming e-mail to a particular server named "Mail2" was not being collected and archived for future searches in ARMS. The Northrop Grumman employees were tasked with identifying the scope of the problem, and quickly learned that 246,000 e-mails on Mail2 as of June 18, 1998, had not been collected and archived in ARMS. This number represented approximately one out of every five e-mails on the server as of that date. This information was quickly communicated up the White House chain of command. By the following day, June 19, 1998, the President's Deputy Chief of Staff, John Podesta, and Counsel to the President, Charles Ruff, had both been briefed on the nature and scope of the problem. An initial repair was finished in November 1998, so that e-mails from November 1998 forward were captured by ARMS. However, between August 1996 and November 1998, e-mails coming into the Mail2 server from outside the White House were not captured by ARMS. This problem has been confirmed in sworn testimony by Northrop Grumman and White House employees.

Mr. Barry's affidavit contains the statement that "[s]ince July 14, 1994, e-mail within the EOP system administered by the Office of Administration has been archived in the EOP Automated Records Management System (ARMS)." By the accounts of every witness that this Committee has interviewed, including Mr. Barry, and the White House itself, this statement is false. The Mail2 error prevented a significant number of e-mails from being archived in the ARMS system between August 1996 and November 1998.¹

2. Barry Knew the Statement was False

The Committee has also received extensive evidence that Mr. Barry knew that the statement in his affidavit was false when he made it. In July 1999, when Mr. Barry filed his affidavit, he had known about the e-mail problem for a year. As the manager of the ARMS system, Barry was notified that there was a problem with ARMS in July 1998. At

¹ Barry may attempt to claim that his affidavit refers only to e-mail between users in the Executive Office of the President. Due to the technical nature of the Mail2 error, such e-mail would be captured on the ARMS system. However, such a narrow reading of the Barry affidavit is contradicted both by common sense, and the facts of the *Alexander* case. Barry's statement clearly refers to e-mails held within the EOP e-mail system, not e-mails between EOP users. This reading is supported by the context of the affidavit, in which Barry discusses the plaintiffs' request for a search of the e-mails of 30 different EOP staff. The plaintiffs' search request was not limited to e-mails between EOP users. Rather, it requested all e-mail on the relevant subject matter, regardless of the source. Furthermore, if the language in the affidavit was chosen intentionally to mislead, it raises significant questions about the state of mind of the attorneys involved in the drafting process.

The Honorable Janet Reno
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the Committee's hearing on March 23, 2000, Barry testified he was informed of the problem in July 1998, and that after that point, he attended technical meetings in the summer of 1998 and discussed in great detail the nature and scope of the problem.

There is also extensive documentary evidence that Mr. Barry was aware of the ARMS problem beginning in the summer of 1998. Barry drafted many e-mails and reports about his work on the Mail2 problem, indicating that he was aware that there were a number of e-mails that were not archived in the ARMS system:

- On July 24, 1998, he wrote, "I continue to be involved in discussions regarding the Mail2 problem, but there has been no movement thus far on correcting the problems or getting the data over to ARMS." (Attachment 2.)
- On August 13, 1998, he wrote, "I am very concerned about several aspects of this problem. As far as I can tell, there is no movement underway to fix the problem and recover the lost records from the backup tapes. When I talk to Sandy Golas and John Spriggs or Bob Haas, they tell me that there is no movement on this project from their side and the last activity was the meeting that we had with Betty before she left on 7/28." In the same e-mail he wrote, "I feel the records must be recreated, and any searches need to be re-performed if the requestors feel it is necessary. This seems like a daunting proposition, but I do not see any other alternative. (Attachment 3.)

Therefore, when Mr. Barry submitted his affidavit in the Alexander case on July 9, 1999, he had been aware of the Mail2 problem for a year. He had been working on the problem, and had specific and detailed knowledge of the fact that there was a large number of e-mails that were not being archived within ARMS. Therefore, when Barry stated in his affidavit that "[s]ince July 14, 1994, e-mail within the EOP system administered by the Office of Administration has been archived in the EOP Automated Records Management System (ARMS)," he was aware that the statement was false and misleading.

C. Role of the Justice Department and the White House Counsel's Office

Mr. Barry was represented by the Justice Department and White House Counsel's office during the course of the *Alexander* case. It is my understanding that lawyers from the Justice Department and the White House Counsel's Office drafted Mr. Barry's affidavit. At the time, the Justice Department and the White House Counsel were apparently aware of the White House e-mail problems. Yet, they prepared an affidavit that was false, allowed Barry to sign that affidavit, and then filed it in federal court. The conduct of the lawyers from the Justice Department and White House raises a real question as to whether those individuals were involved in a criminal conspiracy to obstruct justice and commit perjury. Any perjury investigation of Mr. Barry should therefore include a thorough examination of possible perjury and obstruction of justice charges against the Justice Department and White House lawyers involved in preparing

The Honorable Janet Reno
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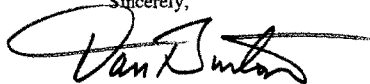
Mr. Barry's affidavit. Clearly, the Justice Department has a conflict of interest if it attempts to investigate these charges. Therefore, I will repeat my call for you to appoint a special counsel to investigate these charges against Mr. Barry, as well as the entire e-mail problem.

Conclusion

You have received repeated criticism for your handling of the campaign finance investigation. For more than three years, you have insisted that you can carry out a thorough and competent investigation of your direct superior and your own political party. However, the facts have shown otherwise, as the campaign fundraising investigation is widely regarded as a massive failure. The allegations of obstruction of justice relating to the White House e-mail problem present yet another clear case for the appointment of a special counsel.

In this case, your obligation to appoint a special counsel is obvious. As I pointed out earlier this week, Justice Department lawyers representing the White House have been attempting to prevent the discovery of these e-mails for almost two years. Now, these allegations against Mr. Barry raise the possibility that lawyers from the Justice Department and White House Counsel's Office conspired to present false testimony to a federal court. The Justice Department cannot investigate these allegations against itself. To attempt to do so would cripple the investigation, and continue to erode the little remaining trust that the Congress and the public have in you and the Department of Justice.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Burton", with a long horizontal flourish extending to the right.

Dan Burton
Chairman

cc: The Honorable Royce C. Lamberth, United States District Judge
Independent Counsel Robert Ray
Independent Counsel Ralph Lancaster
Independent Counsel Donald Smaltz
Independent Counsel David Barrett
Independent Counsel Carol Elder Bruce
Independent Counsel Curtis Von Kann
Senator John Danforth
The Honorable Henry A. Waxman, Ranking Minority Member

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CARA LESLIE ALEXANDER, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action Nos.
)	96-2123/97-1288 (RCL)
)	
FEDERAL BUREAU OF)	
INVESTIGATION, et al.)	CONSOLIDATED ACTIONS
)	
Defendants.)	

DECLARATION OF DANIEL A. BARRY

I, Daniel A. Barry, for my declaration pursuant to 28 U.S.C. § 1746, depose and state as follows:

1. My name is Daniel A. Barry. I am employed as a Computer Specialist by the Executive Office of the President ("EOP"), Office of Administration, Information Systems & Technology Division ("IS&IT"). I have held this position since June 1992. My current responsibilities include electronic records management projects and EOP's Automated Records Management System (ARMS). Previously, my responsibilities included maintenance and implementation of EOP's former electronic mail ("e-mail") system, ALL-IN-1.
2. I previously provided declarations in this litigation dated March 4, 1998, and March 30, 1998, and testified at a deposition on June 11, 1998.
3. I have personal knowledge of the matters attested to herein.
4. Since July 14, 1994, e-mail within the EOP system administered by the Office of

ATTACHMENT 1

Administration has been archived in the EOP Automated Records Management System (ARMS). With this current system, this e-mail is susceptible to being word-searched for a single character string (e.g., "FBI" or "FBI files") or a multiple character string ("and" and "or" searches) found on any one line of text.

5. There is an ongoing restoration and reconstruction process for backed-up, pre-July 14, 1994 e-mail. That process, which I described in my March 4, 1998 declaration, is nearly complete. Backed-up e-mail for all months between November 1992 and July 1994 has now been restored and reconstructed, with the exception of backed-up e-mail for the months of February 1993, and March 1993. Restoration and reconstruction of backed-up e-mail for the months of February 1993 and March 1993 is expected to be complete by mid-August 1999. As a result of the restoration process, pre-July 14, 1994 e-mail can be searched in same manner as described in paragraph 4, above.

6. I have reviewed the request of plaintiffs for a search of e-mail (attached). That request lists 30 individuals whose e-mail should be searched, as well as "all past and present members of Mrs. Clinton's staff, and all those who worked at the OPS during the Clinton Administration." It further requests that all such e-mail be searched for 36 listed words and phrases.

7. As explained below, I have estimated the time and cost involved in accomplishing the search proposed by plaintiffs of e-mail that is now searchable on-line for all the months between January 1993 and June 1999 as \$687,180, 702 hours of personnel time, and 1092 computer processing ("central processing unit" or "CPU") hours.

8. In arriving at this estimate, I have made certain assumptions: (1) that only records of

the White House Office will be searched; (2) that I would be provided a list of "all past and present members of Mrs. Clinton's staff, and all those who worked at the OPS during the Clinton Administration," and that the list of such names would be no more than 10 individuals; and (3) that plaintiffs' list of individuals means a search of all e-mail sent to or from such individuals (including "cc:" and "bcc:").

9. In order to conduct the search requested by plaintiffs, a computer specialist would spend approximately four hours setting up the search request. For the purposes of conducting e-mail searches, our office typically estimates that an hour of a specialist's time costs \$40. Accordingly, the cost of the initial set-up would be approximately \$160.

10. After the initial set-up, the search would involve several steps. The estimated cost and time for searching the e-mail from a single month are described below. The actual costs will vary depending on the volume of e-mail retrieved, as well as the volume of e-mail in a given month.

(a) A computer specialist would search the e-mail for the 36 words and phrases listed by plaintiffs. A search for the 36 words and phrases proposed by plaintiffs would take approximately four (4) CPU hours. For the purpose of conducting e-mail searches, our office typically estimates that one CPU hour costs \$600. Accordingly, the estimated cost of such computer usage for searching the words and phrases requested would be approximately \$2400.

(b) A computer specialist would then set-up the next phase of the search by individual. This set-up for the next phase would take approximately one (1) hour of a specialist's time, and cost \$40. This is in addition to the initial set-up time described in paragraph 9.

(c) A computer specialist would then search the e-mail recovered from the first step (of

the 36 words and phrases) for all e-mail to and from the approximately forty individuals identified. This step would take approximately 10 CPU hours and cost approximately \$6000.

(d) Lastly, the results would be printed. Since the proposed search includes such common terms as "update" and "Clinton," I would anticipate that a significant amount of e-mail would be recovered and printed. Although the actual cost will vary depending on the volume of e-mail retrieved and the volume of e-mail in a given month, I estimate that it would take approximately eight (8) hours and \$320 to print the results, yielding approximately 44,000 pages or 8 boxes.

11. In addition, I estimate the miscellaneous costs of doing such a search -- e.g., the paper, ink, etc. -- as approximately \$50.

12. Aside from the initial fixed set-up costs, the above estimates of \$8810 and nine (9) hours and 14 CPU hours are for searching the e-mail of a single month. That estimate would need to be multiplied by 78 if all e-mail for the months of January 1993 through June 1999 were searched. Accordingly, the estimated total cost if all e-mail for January 1993 through June 1999 were searched for the terms and individuals proposed by plaintiffs would be \$687,180, 702 hours of personnel time, and 1092 CPU hours.

13. The two types of tape drives used to read the IBM 3480 cartridge tapes are (1) Digital Equipment Corp. (Compaq) TA90E, and (2) Digital Equipment Corp. (Compaq) TKZ61.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9 of July, 1999.


Daniel A. Barry

DANIEL A.
BARRY
07/24/98 12:18:31 PM



Record Type: Record

To: James B. Wright [REDACTED]
cc:
Subject: Weekly for 7/24/98

E-mail reconstruction activity

- I attended the regular reconstruction status meeting this week.
- I was informed this week that a problem had been uncovered in the process the reconstructs the pager data. The problem caused valid pager messages to appear as duplicates and therefore not get processed. The problem has now been fixed for the current and future processs cycles but will have to be fixed for process cycles 1-9 (The previously delivered cycles). This problem will be corrected when the delivered tapes are cut to resolve the other two problems uncovered after production began (Truncation and incorrect file structure on anomaly records)
- I have received a goods and services request covering the purchase of new disks. I will review this next week and decide how to proceed. These disks will be needed prior to commencing the Daily tapes and they will allow more efficient processing if we purchase them sooner.

ARMS activity

- I coordinated the completion of 2 searches this week. One was a FOIA for CEQ records and the other was for WHO records.
- I spent a lot of time this week (10 hours) nursing both the tape processing for ARMS as well as the regular records processing through their respective stages. The communications between the NOTES data and the ARMS system failed last week and the backup caused severe delays in processing that spilled over into this week. There also seems to have been an increase in traffic which further exarcebated the situation. I will continue to monitor the process so that it does not fall behind again.
- I have been contacted by WHO counsel (Karl Racine and Dimitri Nionakis) regarding two separate Search requests. I have only received 1 of them thus far and I will try to get it running over the weekend.

FAMCO Contract

- I attended a meeting with the NG project manager and the COTR in preparation for my role next week as acting COTR.

Additional activities

- I continue to be involved in discussions regarding the MAIL2 problem but there has been no movement thus far on correcting the problem or getting the data over to ARMS. The plan for fixing the problem has been submitted.

Planned Activities for next week:

252

- I will be acting COTR for the NG contract next week.
- I plan on getting the 2 search requests under way.

E 0930

James B. Wright
08/13/98 07:37:13 AM

Record Type: Record

To: Daniel A. Barry/OA/EOP
cc: Kathleen K. Gallant/OA/EOP
bcc: Records Management
Subject: Re: Concerns

Tony there as been some movement to get this back on the movement track. Kathy informed me yesterday that Paulette briefed Jim Welsh of NG that he can now proceed with developing a plan to get this effort going.

Certainly the Data Center and the Records Team has been left out of this matter and the result could be a great deal of work put upon us later.

I would suggest that we setup a meeting with Jim Welsh and see if we can find out his anticipated time schedule and general direction.

If you do not know him we should go over and introduce you to him today.
I will see if he is in today and set something up.

Is there anything else I should do in the short term?

Jim
DANIEL A.

DANIEL A.
BARRY
08/13/98 07:21:01 AM



Record Type: Record

To: James B. Wright/OA/EOP
cc:
Subject: Concerns

Jim;

This is a followup to our discussions on Tuesday regarding "the mail2 problem" or project X.

I am concerned about several aspects of this problem. As far as I can tell, there is no movement under way to fix the problem and recover the lost records from the backup tapes. When I talk to Sandy, John or Bob they tell me that there is no movement on this project from their side and the last activity was the meeting we had with Betty before she left (7/28).

ATTACHMENT 3

E 1000

Sandy has submitted a Goods and Services to Paulette to purchase 6 disks to hold the data on the VAX side.

The only people I have had contact with on this project are You, Cathy, Betty, Sandy, Bob and John. I have not spoken with any other Govt person on this and I am not at all clear what my role should be. I feel that the records must be recreated and any searches need to be reformed if the requestors feel it is necessary... This seems like a daunting proposition but I do not see any other alternative.

Additionally, I feel that I can not walk away from this problem because any work that will be done to recover the records will directly impact ARMS and searching... also, as each day goes by, there is a risk that one of the affected accounts could be moved to another server (Dan Gunia continues to do his job while not knowing the impact) This would cause records to flood into ARMS but have corrupt data in them.

I apologize for the rambling nature of this memo but I hope it captures my concerns and frustration level.

Any help is appreciated.

Later... Tony

Mr. BURTON. I now recognize Mr. Waxman for his opening statement.

Mr. WAXMAN. Mr. Chairman, I want to welcome Beth Nolan and Robert Raben to today's hearing, and I am looking forward to hearing their testimony.

Last week's hearing was instructive. We learned that no one in the White House had any role in developing the message retrieval system. We also learned that no one in the White House asked that any e-mail messages be excluded from the system. And that before June 1998, no senior officials in the White House even knew that some e-mail messages were being excluded from the retrieval system.

By June 1998, however, senior White House officials were informed that a computer glitch existed. It is important for Ms. Nolan to provide information on how senior officials reacted to this information. Did anyone at the White House try to keep any information from investigators or was there simply a misunderstanding between computer technicians and White House lawyers? Deliberate concealment would seem to be a case of obstruction of justice. Honest confusion, on the other hand, would be regrettable but understandable. Until we know the facts, we should be careful about making unsubstantiated allegations.

There is, unfortunately, already a need to clarify several important points. During last week's hearing, a significant amount of time was focused on the question of whether Northrop Grumman employees were threatened with jail. Mrs. Callahan denied ever making the threat.

But let's put that denial aside for the moment. Let's just look at the testimony of the five employees.

Mr. Haas, who seemed credible to me, clearly believed he had been threatened with jail by Mrs. Callahan. He told us that, in a meeting with Mrs. Callahan and his four coworkers, he flippantly asked what would happen if he discussed the computer glitch with others. He remembers Mrs. Callahan warning him that, "there would be a jail cell with his name on it."

Betty Lambuth agreed with Mr. Haas's recollection and added that in a second meeting she had with Mark Lindsay and Paulette Cichon a second threat by Mr. Lindsay was made.

Sandra Golas initially testified that, while she remembered the word jail being used in the meeting, she couldn't remember who said it. But she later said she did feel threatened and thought jail was a real possibility.

Yiman Salim and John Spriggs, both of whom were in the meeting and both of whom seemed credible, have no memory of jail ever being discussed. Miss Salim testified that she never felt threatened, and both said they believe Mrs. Callahan acted reasonably under the circumstances. As I said, I am putting aside Mrs. Callahan's denial regarding the threat.

In reviewing last week's testimony of just the five Northrop Grumman employees, I am not comfortable in reaching any conclusion on whether a threat was made. There is a very real conflict between credible witnesses—Mr. Haas, Ms. Salim, Mr. Spriggs—that I think it makes it irresponsible to issue final judgments about what happened.

Miss Lambuth also testified that in a second meeting with Mark Lindsay and Paulette Cichon Mr. Lindsay told her that if she discussed the e-mail problem with anyone, she would lose her job and be arrested. But I have a signed statement from Ms. Cichon who was in that meeting, and Ms. Cichon says that never happened.

In fact, Ms. Cichon says that, "at no time during this meeting did I perceive Mark threaten Betty or myself. At no time was a threat of jail mentioned or any other threat. If any threat were made, I would have certainly remembered it, and I would have taken the appropriate action in response."

I should point out that Ms. Cichon has spent almost all of her career in the private sector and no longer works in the White House.

Well, also at last week's hearing Miss Lambuth testified that the missing e-mails contained information relating to the FBI files, Monica Lewinsky and the campaign finance investigation. How did she know that? Well, she said she was told this by Bob Haas. But Mr. Haas, who was at the table, was asked whether he said that, and he said he didn't. And I want to show a tape about what they said.

[Videotape played.]

Mr. WAXMAN. Well, I am not finished, Mr. Chairman. I do want to complete my statement.

I wanted to show that videotape because we had a clear contradiction in testimony. In fact, we had a clear contradiction in testimony with Miss Lambuth on three separate issues where she testified one way and others testified that she was wrong.

She said that she knew the content of these e-mails, and she said she knew them because of Mr. Haas. Mr. Haas said that he never told her.

She said that Mr. Hawkins had one version of her employment status. Mr. Hawkins denied that.

And we also have this contradiction now today with Miss Cichon making a statement about how she was wrong about saying there were second threats.

The point I am making is we have a conflict in testimony. And I was struck by the fact the chairman has asked for a criminal indictment against Mr. Barry for his statements which didn't go as far as one would have wanted him to go in describing the 1994 reconstruction status of the ARMS system.

But I looked at his affidavit, and I think if you look at it in context, it seems to me to say that there ought to be a referral of criminal charges for that affidavit is not a level way to treat witnesses who may have said things that may have been false. Statements are often false. Whether they are intentionally false is another issue.

And I would be shocked if the chairman would say that Miss Lambuth ought to have a criminal prosecution against her false statements made to us. If we are going to accuse people of crimes, do it for everybody who says something false, not just those who don't say things that fit in with the theory that we want to advance.

Yesterday, there was a front-page news story that claimed that the White House withheld the Monica Lewinsky e-mails that were

discovered in 1998. I believe that story is likely wrong. When Mr. Haas discovered the missing e-mails in 1998, they were compared to the e-mails that had already been given to the independent counsel. It is my understanding that the comparison indicated that what was discovered had previously been provided to Mr. Starr. Well, good investigators find the facts first and reach conclusions later. That should be our standard, and it should be our objective today.

Mr. Chairman, I want to ask unanimous consent to put the statement by Paulette Cichon in the record.

[The information referred to follows:]

**TRANSCRIPTION OF MARCH 29, 2000, HANDWRITTEN STATEMENT OF
PAULETTE CICHON**

1. I, Paulette Cichon, was employed at the Executive Office of the President, Office of Administration, from approximately Oct, 1997 to Sept, 1998.
2. My position was Deputy Director, Information Management, at the Office of Administration, reporting to Ada Posey.
3. On or about late May or June in 1998, I had a meeting with Mark Lindsay where I was informed by Mark of a situation where e-mails were not being properly stored in the ARMS system. He asked me to meet with Betty Lambuth to understand technically the scope of the problem.
4. Shortly thereafter, probably within a day, I met with Betty to understand the situation Mark + I had discussed. During that meeting, Betty was apprehensive or uncomfortable about discussing the situation with me. She asked me if we could bring Mark into the meeting to determine if it was permissible for her to talk me. I asked Mark to join the meeting, and explained the difficulty. He joined us, and said it was appropriate for Betty to continue the discussion and fully inform me of the situation. Mark stayed for a short period of time, and Betty + I concluded the meeting. Betty + I discussed the technical nature of the e-mail situation such that I could understand what needed to be done.
5. At no time during this meeting did I perceive Mark threatening Betty or myself. At no time was a threat of jail mentioned or any other threat. If any threat were made I would have certainly remembered it and would have taken the appropriate action in response. I did not take part in any other meetings or conversations at which Mark or anyone else made any threats.
6. I was aware from Mark Lindsay of the sensitive nature of the situation. I felt this was a reasonable concern because we did not have all the required facts and did not as yet fully understand the scope of the problem. By informing me of the situation, Mark understood I would have to involve the entire IT organization in determining a solution.
7. After the meeting, I assigned the task to my IT deputy to understand the scope and nature of this problem. From the time that the project was assigned, it was diligently being worked. At the time of my departure in September, the issue was not resolved due to funding and contractual problems.
8. I make this statement freely and based on my best recollection at this time.

Paulette Cichon
March 29, 2000
Witnessed by John R. Tolle

①

- ① J. Paulette Nelson, was employed at the Executive Office of the President, Office of Administration, from approximately Oct, 1997 to Sept, 1998.
- ② My position was Deputy Director, Information Management, at the Office of Administration, reporting to Ada Passy.
- ③ On or about late May or June in 1998, I had a meeting with Mark Lindsey, where I was informed by Mark of a situation where e-mails were not being properly stored in the ARMS ~~software~~ system. He asked me to meet with Betty Lambuth to understand ~~the~~ technically the scope of the problem.
- ④ Shortly thereafter, probably within a day, I met with Betty to understand the situation Mark & I had discussed. During that meeting, Betty was ~~and apprehensive~~ apprehensive or uncomfortable about discussing the situation with me. She asked if we could bring Mark into the meeting to determine if it was permissible for her to talk me. I asked Mark to join the meeting, and explained the difficulty. He joined us, and said it was appropriate for Betty to continue the discussion and fully inform me.

(2)

of the situation. Mark stayed for a short period of time, and Betty + I concluded the meeting. We discussed the technical nature of the ² mail₃ situation such that I could understand what needed to be done.

⑤ At no time during this meeting did I perceive Mark threatening Betty or myself. At no time was a threat of jail mentioned or any other threat. ~~If any threats were made~~ If one threat were made I would have certainly remembered it and ~~have taken~~ would have taken the appropriate action in response. I did take part in any other meetings or conversations at which Mark or anyone else made any threats.

⑥ I was aware from Mark himself of the sensitive nature of the situation, and after my meeting with Betty I felt this was a reasonable concern. Because we did not have all the required facts and did not as yet fully understand the scope of the issue problem. By informing me of the situation, Mark understood I would have to involve the entire IT organization in determining a solution.

(3)

⑦ After the meeting, I assigned the task to my IT Deputy to understand the scope and nature of this problem. From the time that the project was assigned, it was ~~deliberately~~ ^{intensely} being worked. At the time of my departure, the issue was not resolved due to funding and contractual problems.

⑧ I make this statement freely and based on my best recollection at this time

Paulette Cichon
 PAULETTE Cichon
 Month 29, ~~2000~~ 2000

witnessed by ~~John R. Tolk~~ John R. Tolk

Mr. BURTON. Without objection, so ordered.

Does that conclude your opening remarks?

Mr. WAXMAN. That concludes my opening comments.

Mr. BURTON. We will now welcome our panel to the witness table: Beth Nolan and Robert Raben. I got that right.

Please stand and raise your right hands, please.

[Witnesses sworn.]

Mr. BURTON. Be seated. Thank you.

Ms. Nolan, you're now recognized, if you so desire, to make an opening statement.

**STATEMENTS OF BETH NOLAN, COUNSEL TO THE PRESIDENT;
AND ROBERT RABEN, ASSISTANT ATTORNEY GENERAL FOR
LEGISLATIVE AFFAIRS**

Ms. NOLAN. Thank you, Mr. Chairman.

Mr. Chairman, Congressman Waxman, members of the committee, my name is Beth Nolan. I am counsel to the President of the United States. I have held this position since September 1999. I appear today to address the e-mail system used by the Executive Office of the President.

As you know, last Thursday, I submitted a written statement in anticipation of my scheduled appearance for that day. I ask that it be made part of the record.

As I explained in that statement, my staff and I have devoted a large part of the past several weeks trying to understand these issues, in gathering information to help us understand the matter and how to address it. We have been learning additional information about these matters almost every day.

Although the new information assists us in better understanding the problem, it can alter previous assumptions, determinations and conclusions. Therefore, although we have learned more about this matter over the past several weeks, we are still reviewing issues, exploring certain remedies, and probing some outstanding questions.

For these reasons, I want to emphasize that my testimony today is based on my current understanding of the information that we have gathered in the course of our initial review. As our review progresses to completion, we will likely uncover information that alters or amends these preliminary conclusions. Indeed, in 1 week I have learned additional information since I submitted my statement, and I want to update that statement as follows.

First, the Office of Administration has informed me that it has contracted with a private entity to provide the technical expertise and resources necessary to restore the back-up tapes to an easily searchable form. The contractor's preliminary estimate—and I want to emphasize preliminary because these estimates are subject to amendment as the process proceeds and the contractor learns new information—the preliminary estimate suggests that the requisite equipment and other resources for the project will be in place, tested, and ready to go in approximately 70 days. We anticipate conducting the restoration in batches so that we can have a rolling production. The contractor estimates that this part will be completed in about 170 days from the beginning of the project. In

other words, if what—if these initial estimates hold up, we could have the back-up tapes searched within 6 months.

Finally, the contract also calls for independent validation and verification, which means that a completely different private contractor will come in and certify that this project is proceeding in a timely and cost-effective manner.

Second, I would like to address media reports yesterday of a so-called zip disk and the suggestion that the disk contains previously undisclosed e-mail messages. Those reports were confusing and misleading.

As Northrop Grumman employee Robert Haas told the committee last week, in June 1998, he conducted a search of e-mail accounts for Lewinsky-related materials. Mr. Haas gave the results of that search to his superiors who ultimately turned them over to the White House counsel's office which determined that these e-mails were duplicative of ones that had already been produced. At the same time, Mr. Haas saved the results of his search on a file of the F drive of his computer. The zip disk, which, as I understand it, is a computer disk and able to hold more information than a regular diskette, referenced in yesterday's press is simply a copy of the file maintained on Mr. Haas's computer. The data on the disk was neither newly discovered nor previously undisclosed.

Third, last week I stated that I instructed Security Officer Charles Easley to conduct a review of the allegations of threats. In light of the Department of Justice's announcement that the Campaign Finance Task Force will be conducting a criminal investigation of this matter, I have instructed Security Officer Easley to postpone any review of this matter until further notice so that we can ensure that we do not interfere with that investigation.

Fourth, I stated last week that there were approximately 550 back-up tapes from the Office of the Vice President. Security Officer Easley has indexed the OVP back-up tapes from IS&T, and I am informed now that the total number of OVP tapes is approximately 625.

Fifth, I stated last week that 28 other accounts within the Office of the Vice President have not been managed by ARMS, the Automated Records Management System. We now believe that there were only 24 such accounts, all but three of which were created before 1997.

Since last week, IS&T has ensured that all 24 accounts, including the Vice President's, are now being ARMS managed.

Finally, IS&T has not yet been able to correct the problem that incoming e-mail to the OVP is not being captured by ARMS. So I want to make clear that the accounts are all being ARMS managed for e-mail being created in the Office of the Vice President, but incoming e-mail is not being ARMS managed. They are working to make that happen as quickly as possible. In the meantime, the counsel to the Vice President has instructed OVP staff to retain incoming e-mails other than purely personal e-mail on their servers, their individual servers.

I now want to emphasize the following points.¹²¹ The computer glitches that occurred with the Mail2 and letter D problems are the result of unintentional human error associated with an extraordinary electronic records archiving system. No one attempted to

hide responsive information from this committee or from any other investigative body. The EOP has produced or identified to this committee all responsive information that it located, including over 7,700 pages of e-mail records in the campaign finance investigation alone.

Until recently, the counsel's office was not aware of the scope and nature of these errors. In June 1998, the counsel's office thought the error was isolated to one search and had subsequently been fixed. That is, the counsel's office knew about a possible problem but not the problems that we now are talking about and understand. The counsel's office had no reason to believe that this error had any effect on its searches. Had it thought otherwise, it would have addressed the problem.

The back-up tapes of e-mail records are secure. As I mentioned earlier, we have already begun the process that will enable us to search these records, and we will do so as quickly as possible.

Mr. Chairman thank you for the opportunity to address this committee.

Mr. BURTON. Thank you, Ms. Nolan.

[The prepared statement of Ms. Nolan follows:]

STATEMENT OF BETH NOLAN
COUNSEL TO THE PRESIDENT

Before the
House Committee on Government Reform
March 23, 2000

I. Introduction

Mr. Chairman, Congressman Waxman, and members of the Committee. My name is Beth Nolan. I am Counsel to the President of the United States. I have held this position since September 1999. I appear today to address the e-mail system used by the Executive Office of the President.

As you know, this matter involves complex technical issues. Of course, my staff and I are lawyers with laypersons' understanding of the technical complexities of electronic messaging and archiving. Accordingly, we have devoted a large part of the past several weeks trying to understand these issues and gathering information to help us understand the matter and how to address it. In the relatively short time that we have spent examining this matter, I have come to appreciate the challenges that these computer errors present. We have been learning additional information about these matters almost every day. Although the new information assists us in better understanding the problem, it can also alter previous assumptions, determinations, and conclusions. Therefore, although we have learned more about this matter over the past several weeks, we are still reviewing issues, exploring certain remedies, and probing some outstanding questions. For these reasons, I want to emphasize that my testimony today is based upon my current understanding of the information that we have gathered in the course of our initial review. Indeed, I have learned additional information since my letter to the Chairman less than a week ago. Where this statement differs from last week's letter, it reflects changes in my understanding of this matter. As our review progresses to completion, we may likely uncover information that alters or amends these preliminary findings. The Committee will be notified of significant changes.

From the outset, I want to convey two important determinations we have made from our initial review. First, we have found no evidence that anyone in the Executive Office of the President (EOP) attempted to withhold or hide responsive e-mail records — from this Committee or any other investigative body. We have produced or identified to the Committee all responsive materials located. Indeed — to use just one investigation as an example — I understand that the EOP searched for and produced to this Committee alone approximately 7700 pages of e-mail records related to campaign finance matters. Second, to my knowledge, no one in the Counsel's Office — or the White House Office for that matter — was advised of allegations of threats surrounding this matter.

I now want to provide a brief overview of my statement today. I will begin by describing the EOP computer system. Second, I will explain our current understanding of the technical configuration errors that we have discovered with the e-mail archiving system used for the EOP. Third, I will describe how the White House Counsel's Office learned about these errors and what we have done to notify investigative bodies. Finally, I will address the steps we are currently taking to address the issues arising from these technical configuration errors.

II. Computer System for EOP E-mail Records

Before explaining the nature of the configuration errors affecting certain incoming e-mail records being captured by the Automated Records Management System (ARMS), I want to describe briefly how the Office of Administration's (OA) computer records management system for the EOP is designed to work for e-mail records. Whenever an e-mail is sent from a user within the EOP, that e-mail is read and stored on a server. The e-mail does not technically reside on the individual user's personal computer (PC), but on the server. As long as the user retains the e-mail on her PC, it remains on the server. Conversely, by deleting an e-mail, the user deletes it from the server as well as the PC. Because many individual users delete e-mail daily (and indeed users must delete some e-mails because the server does not have the capacity to hold all e-mails), the server is not a complete and accurate repository of e-mails sent to and from the EOP.

ARMS is a management system that was installed following the Armstrong case. It is designed to capture e-mail records sent from or to EOP user accounts that it manages. I'll refer to these accounts as "ARMS-managed accounts." ARMS is the first keyword searchable e-mail records archive maintained by the EOP. Please note, however, that archiving e-mail records is a relatively novel concept. I am told that the ARMS system had to be custom built because at that time no appropriate system was commercially available. As far as we are aware, no other government entity — including Congress — maintains a similar on-line archival system.

E-mails generated by ARMS-managed accounts are automatically recorded by ARMS as the user sends them. In addition, several times a minute, generally, ARMS scans the server and captures unrecorded e-mails residing on the server at the moment of scanning. To avoid repeatedly scanning an e-mail that continues to reside on the server over a period of time, once ARMS records an e-mail, it is coded so that ARMS will not needlessly scan it again.

As the Committee is aware, ARMS was put in place in July 1994 and has managed e-mail records for most EOP offices since that time. Charles Ruff, then Counsel to the President, explained to the Committee in an October 1997 letter that ARMS was also managing reconstructed e-mail records for the period January 1993 through July 1994 as they were reconstructed, a process that was then ongoing. Reconstruction of these records was completed in 1999.

Searches of ARMS records supplement the searches performed by individual users in response to subpoena requests. When responding to subpoena requests, the Counsel's Office

instructs individuals within the relevant EOP offices to search for responsive materials. This directive explicitly states that each individual should search computer records as well as hard copies. The head of each EOP office is also directed to certify that the individuals within the office have conducted a search of their files and the office's files, and have provided any potentially responsive materials to the White House Counsel's Office. In addition to these individual searches, Information System and Technology (IS&T) personnel, at the Counsel's Office direction, perform a computerized search of ARMS. IS&T staff work with White House Counsel's Office staff to identify keyword terms to use in searching ARMS records. As we have previously explained to your staff, because we use search terms, we cannot guarantee that every responsive e-mail is located. Nevertheless, we usually err on the side of using broad search terms, which sometimes yield large amounts of nonresponsive materials.

These computerized searches are extremely time-consuming and costly. A search can take several days to complete, depending upon the number of offices and time period covered. Once a search is complete, it can take up to several days to print the search results. In addition, the Counsel's Office must manually review the printed search results for responsiveness. Indeed, on many occasions our staff has waded through thousands of pages of nonresponsive materials to locate the few responsive ones.

The only other electronic records of the server consist of tapes made periodically when the server is "backed up." The practice of backing up the server was not begun to facilitate searches but rather to permit IS&T personnel to recover certain files in the event of a system "crash." They are created periodically (generally daily, I am advised) and take a "snapshot" of whatever exists on the server at the current time. For example, if an e-mail were sent by an EOP user and then deleted between backups, it would not be captured on a backup tape but it should be captured by ARMS. Backup tapes are thus an inaccurate and incomplete compilation of what is on the system and serve as a last resort in cases of a system failure. At times when there has been a shortage of backup tapes, I am told that they have been reused. The backup tapes are not a part of ARMS, and are not easily searchable. For these reasons, the EOP does not search backup tapes when responding to subpoena requests.

III. Configuration Errors Affecting ARMS

Mr. Chairman, I now want to focus on two configuration errors that have affected ARMS management of e-mail records.

ARMS, like all computer records management systems, is susceptible to problems, software programming errors, and "glitches" that are not easily detectable. Even when they are discovered, however, the nature, scope, and cause of the problems, as well as their effect on the system and users, may be difficult to ascertain.

Although ARMS was intended to record all e-mails sent through the EOP e-mail network (currently the Lotus Notes system), two separate configuration errors have occurred which prevented certain incoming e-mails sent to ARMS-managed accounts from being recorded in ARMS for a period of time. In addition, as I will discuss later, in the course of examining this

problem I learned that e-mail records from the Office of the Vice President have not been fully managed by ARMS.

A. "MAIL2" Error

The first error, referred to as the "MAIL2" error, apparently occurred in August 1996, when IS&T and its outside contractor, PRC Litton, were performing routine maintenance to improve the system's performance. As part of the process, individual user accounts within the White House Office (WHO), and some accounts within OA and the Office of Policy Development (OPD), were moved to a new server, called "Mail2." During this process, "Mail2" accounts were apparently mistakenly coded by computer technicians as "MAIL2," using all upper case letters, instead of "Mail2." The ARMS scanning process is case sensitive when identifying servers and did not recognize "MAIL2." Because ARMS did not recognize "MAIL2," the ARMS scanning process did not capture incoming e-mails (*i.e.*, e-mails sent from non-ARMS managed accounts to ARMS-managed accounts) for these affected accounts.

In January 1998, Daniel Barry, IS&T Records Projects Computer Specialist, was performing a keyword search of ARMS in response to a subpoena request and noticed a possible anomaly within ARMS. Mr. Barry found that on a particular day there were outgoing e-mails from an EOP user who seemed to be exchanging e-mails with an outside person, but there were no corresponding incoming e-mails. Thus, it appeared to him that some incoming e-mails might be missing from ARMS. Mr. Barry, with the assistance of John Spriggs, the IS&T e-mail contract administrator and an employee of outside contractor Northrop Grumman (N-G), examined the log of the FIREWALL system, through which e-mail created outside the EOP passes and is screened to ensure that messages do not include viruses. They determined that on the day in question, the EOP user had actually sent the outside person seven e-mails, while the outside person had sent the EOP user six incoming e-mails. I am informed that, at that time, Mr. Barry was unsure whether this was an isolated incident for this particular user on this particular day or whether it was a broader undetected systemic error. Indeed, minor glitches or "hiccups" are common to IS&T systems, as they are to all computer systems, and small pieces of data are often not easily retrievable as a result. Mr. Barry nonetheless notified his superiors and documented his finding.

The full scope of the error causing the anomaly Mr. Barry noted was not understood until May or June 1998, when on-site N-G employees discovered on the server certain incoming e-mail messages that were coded as "unrecorded," signifying that the ARMS scanning process was not picking up these messages. The contractor notified IS&T personnel, who gathered a group of employees to investigate and repair the problem.

N-G technical personnel working with IS&T staff discovered that the problem was due to miscoding "Mail2" as "MAIL2." I have been advised by OA that the miscoding affected approximately 526 ARMS-managed accounts from the following EOP offices:

1. WHO (464 accounts)
2. Office of Policy Development (58 accounts)
3. OA (4 accounts)

As a result, certain incoming e-mail that these users had received since August 1996 had not been recorded by ARMS. As noted previously, the problem did not cover any e-mails generated by ARMS-managed accounts. Moreover, it would not have prevented a recording of the incoming e-mail if the affected EOP user forwarded it or replied to it "with history" (*i.e.*, sending back the original e-mail). Additionally, incoming e-mail messages maintained on an individual user's PCs would also remain on the user's server space, and therefore would be subject to individual EOP user searches, as long as the individual recipient remained at the EOP and had not deleted the messages.

By November 1998, the N-G and IS&T personnel had corrected the problem prospectively so that all future incoming e-mail to the affected users would be stored in ARMS. Thus, this configuration error affected these ARMS-managed accounts for the period August 1996 through November 1998. Although the "MAIL2" error occurred in August 1996, some of these accounts were created well after that date. Thus, for example, a "Mail2" account that was created in June 1997 apparently would have been affected from that date forward. IS&T personnel also created backup tapes of the server to preserve the unrecorded e-mail existing on it as of November 20, 1998. By backing up the entire server, IS&T also necessarily captured word processing documents, rolodex files, and recorded e-mail records that also existed on the server at that time. After the prospective correction, ARMS resumed managing incoming e-mails and the creation of backup tapes of the server continued.

OA then requested that N-G provide an estimate for studying the time and cost involved in restoring these e-mails to ARMS. In October 1998, N-G estimated that a feasibility study alone would cost about \$600,000. OA informs us that, concurrent with the preliminary assessment of the costs to study the problem, OA was faced with the massive task of Y2K compliance of its entire system, including its mail systems. This task consumed IS&T resources throughout the remainder of 1998 and 1999.

B. "Letter D" Error

A second configuration error, referred to as the "Letter D" error, was discovered in April 1999, when N-G technical personnel were testing the process in which ARMS interacts with the Lotus Notes system. When user accounts are created, they are assigned to a particular "view." Each view represents a section of the alphabet (*e.g.*, ABC), and users are assigned to a view by the first letter of their first name (*e.g.*, Mary Jones would be in the view that contains the letter "M"). The ARMS "viewer" scans the server on a "view" by "view" basis.

During this testing process, the N-G computer specialists discovered that an error involving the ARMS views had been made. The letter "D" was inadvertently omitted from a view, and the letter "J" was included twice. As a result, incoming e-mail to ARMS-managed accounts with the first names beginning with the letter "D" had not been recorded by ARMS since November 1998. It appears that this error remained undetected until April 1999 because

the additional "J" led technical personnel to believe that the views contained all 26 letters of the alphabet. In fact, that was not the case.

The effect of the "Letter D" error on the system was similar to the "MAIL2" error: Incoming e-mail sent to ARMS-managed accounts whose users' first names begin with the letter "D" were not stored in ARMS. E-mails generated by ARMS-managed accounts were not affected by the problem. OA advises that approximately 200 ARMS-managed accounts from the following 10 offices within the EOP were affected:

1. White House Office (42 accounts)
2. Office of Policy Development (8 accounts)
3. Office of Management and Budget (54 accounts)
4. Council of Economic Advisers (1 account)
5. Council on Environmental Quality (4 accounts)
6. National Security Council (21 accounts)
7. Office of Administration (32 accounts)
8. Office of National Drug Control Policy (20 accounts)
9. Office of Science and Technology Policy (6 accounts)
10. White House Climate Change Task Force (3 accounts)

As with the "MAIL2" error, e-mail maintained on these affected users' PCs remained on the server until deleted by the user, but were not captured in ARMS.

By May 1999, the N-G employees corrected this problem prospectively. Thus, the "Letter D" configuration error affected these ARMS-managed accounts from November 1998 to May 1999. As with the "MAIL2" error, a backup tape of the server was created on June 1, 1999 to preserve any unrecorded e-mail that existed on it at that time.

Recent reports have cited various global effects of these configuration errors and speculated about the contents of the affected incoming e-mails. Below are our preliminary findings with regard to the "MAIL2" and "Letter D" errors. Please note, also, that, given the technical issues involved, we may need to modify or amend these findings as our review proceeds.

1. These two configuration errors did not affect documents or e-mails created by ARMS-managed accounts. We understand that these two configuration errors did not affect e-mails from ARMS-managed accounts that were sent within or outside the EOP. These e-mails are automatically captured with a "bcc" to ARMS when sent. The only e-mails affected by either configuration error described above were incoming e-mails, which ARMS would have to scan to record. If, however, an affected user received an incoming e-mail and forwarded it or replied to it with history (sending back the original incoming e-mail) then ARMS should have recorded the incoming e-mail.

2. Absent a search of backup tapes, we cannot currently estimate how many e-mails were affected. Late Friday, March 17, 2000, N-G counsel provided OA with a document that appears to reflect that on June 18, 1998, an N-G employee reviewed the affected ARMS-

managed accounts on the server and counted the number of affected e-mails on the server at that time. I have been informed that OA and IS&T personnel were previously unaware that this document existed or that anyone had estimated the number of unrecorded e-mails. Although we cannot attest to the accuracy of this document, we provided it to you yesterday.

3. We do not know if any responsive information is contained in the unrecorded e-mails. News reports state that the e-mails contain information relevant to various subpoenas. If anyone reviewed the contents of these e-mails, we apparently have not been informed. Moreover, IS&T personnel currently cannot identify what kind of information is on the backup tapes because they have not been reconstructed. Without such restoration, we cannot know the contents of the unrecorded e-mails.

4. Affected incoming e-mail left on the server should have been captured by individual user searches. As you know, EOP staff are instructed to search their files, including computer records, for responsive information. Thus any incoming e-mails still on a current EOP user's server space at the time a search was conducted should have been captured by individual user searches.

5. The "MAIL2" and "Letter D" anomalies were technical errors. As explained above, these configuration errors were the sole result of human mistakes and entirely unintentional.

IV. Office of the Vice President E-mail

Mr. Chairman, as you know, last week the Counsel's Office was informed by IS&T that e-mails on the server of the Office of the Vice President (OVP) have not been fully managed by ARMS. I notified the Committee on Friday, and I would now like to provide the Committee with the information I have received since then. As with all of our preliminary findings, please understand that we are still in the process of gathering information, and this information may change as I learn more. I particularly want to emphasize that here, because the matter has been under review for such a short time.

Before discussing the OVP e-mail situation, I would like to reiterate that over the years, Congress has received a large number of e-mails from the White House in response to subpoenas and document requests, including e-mails from the OVP. In fact, the report on campaign finance matters filed by the Thompson Committee includes reference to a number of such e-mails. This is consistent with individuals having searched their own computers and hard-copy files for e-mails responsive to various congressional requests, and with the fact that ARMS did capture some OVP e-mails.

I have been told that when this Administration began, the OVP determined that it had insufficient computer capability. OVP staff during that period have described the system as "a mess." To meet its needs, the OVP designed its own system. It hired its own outside contractor, which worked with the OVP to set up the system. As we have begun to piece together the information about the creation of this system, we have realized that the individuals most familiar

with it no longer work for the OVP, or even for the outside contractor. This has made the task of gathering facts more difficult.

What we do know is that the OVP set up a server using commercially available software, which it used for the rest of 1993 and part of 1994. We are trying to determine whether OVP e-mails from that period were part of the 1993 and 1994 reconstruction of records to ARMS.

Sometime in 1994, most OVP e-mail users were switched to Lotus Notes, which is currently used. Although these accounts were switched to Lotus Notes, they were apparently not managed by ARMS. We are still trying to understand the details of these technical issues and the degree, if any, to which OVP e-mail on Lotus Notes may have been captured by ARMS. It currently appears that much, if not all, of it was not captured.

As with many other businesses and government agencies, when new employees begin work at the White House, they are given e-mail accounts. Starting sometime in early 1997, new OVP e-mail accounts were created in a way that allowed e-mail — except for e-mail coming into the OVP from outside the White House — to be captured by ARMS. Old OVP e-mail accounts, namely, those created prior to early 1997, apparently continued not to have e-mail captured by ARMS. As we understand it, the technical people believed there were problems associated with attempting to re-enter the old e-mail accounts as new ones, such as the difficulty of transferring files and e-mail from the old accounts to new ones in a way that did not cause a disruption in service.

Today, we believe that there are 28 current OVP e-mail user accounts that were created before 1997 and are therefore not managed by ARMS. The Vice President's e-mail account is — not surprisingly — among those created before 1997. We have found no indication that those people producing documents were aware of this problem. Indeed, I am told that OVP Counsel personnel believed that all OVP e-mail was being managed by ARMS, and that the White House Counsel's Office shared this belief. Quite plainly, this understanding was not correct.

When we became aware of these facts, we asked IS&T to take steps necessary to ensure that all OVP e-mail is captured by ARMS from this point forward. We have made it clear that this should be done as quickly as possible. IS&T is in the process of making this happen.

Earlier I alluded to another fact concerning the OVP's e-mail system, which is that e-mail coming into the OVP server from outside the White House apparently has not been captured by ARMS. We are in the process of determining the period for which this problem existed. Again, we have asked IS&T to take steps necessary to ensure that all incoming OVP e-mail is captured by ARMS from this point forward, and again, they are in the process of making this happen. We do not yet know how this problem occurred.

This week, officials from the OVP, White House Counsel's Office, Office of Administration, and IS&T met with a representative of the contractor who helped set up the OVP system. We are working with the company to piece together the manner in which the OVP computer system was put together, and how that system interacted with the EOP system, including ARMS. We have also reached out to former employees of the OVP who we believed

might be able to assist us with these issues, and the contractor has itself reached out to some of its former employees who are knowledgeable about the OVP system.

The OVP system, like the EOP system, is periodically backed up to tape, and our best information is that approximately 550 backup tapes of the OVP server are now in the custody of the EOP Security Office. We are in the process of obtaining an estimate of the time and cost involved in reconstructing these tapes.

V. Counsel's Office Awareness of the Configuration Errors

Mr. Chairman, in your most recent letter to me, you asked when the Counsel's Office, and specifically when I, learned of these technical configuration errors, and what was done to notify various investigative bodies. In sum, while the Counsel's Office knew in June 1998 that a configuration error had existed, it believed that the problem was fixed and did not, until recently, understand the scope and possible effect on e-mail records searches of this error.

Although, as stated above, IS&T and N-G personnel became aware of a possible anomaly affecting ARMS in January 1998, the discovery that ARMS was not capturing some incoming e-mail records did not occur until about May or June 1998. In June 1998 OA notified the Counsel to the President, as well as the Deputy Chief of Staff, of the "Mail 2" error. Thus, the Counsel's Office was unaware of this problem prior to June 1998.

When then-Counsel to the President Charles Ruff was told by OA in 1998 that there were e-mails that may not have been captured in a previous search because of a technical glitch, he understood that OA would be collecting those e-mails so that any responsive e-mails that had not been produced could be produced. E-mails were provided to the Counsel's Office, which compared them against previously produced documents and determined that they were duplicative. The Counsel's Office believed that all necessary steps to make a complete search had been taken. They did not know that there was any remaining problem — prospective or retrospective.

Thus, as Mr. Ruff understood the technical problem at the time, he did not think that the error had an effect on previous searches or that it might affect future searches of e-mail records. As a result, Mr. Ruff had no reason to believe there was any need to notify investigative bodies of this error.

I was first informed of the two configuration errors affecting the ARMS system during a January 18, 2000 briefing OA gave me on some records management issues, as part of a pre-briefing for a meeting on numerous Post-Presidency Transition issues. At the time of the briefing, I was provided with general information about the "MAIL2" and "Letter D" matters as a possible Presidential Records Act issue. I understood from the briefing that these configuration errors were highly technical and had a historical impact on our archival system. I certainly did not understand that they had ongoing consequences — in particular, effects on document requests.

In any event, within several weeks I learned of the allegations involving this matter and I initiated a review. I want to assure the Committee that we have moved aggressively to understand the nature and scope of these issues, and to put solutions in place.

VI. Steps Taken to Address this Matter

With respect to informing various investigative bodies, we have initially focused on discussing this issue with entities that are currently conducting investigations. Soon after I became aware of these matters, I discussed with Independent Counsel Ray's office what I knew of the matter, and informed him that we were reviewing the matter and would provide his Office with a written explanation of what we had learned. We provided that explanation last Wednesday, March 15. Last week my staff also discussed this matter with Independent Counsel Lancaster.

Of course, the Justice Department's Civil Division became aware of these allegations because the Department has been representing us in the case in which they arose. In addition, on March 10, we received an inquiry from the Department of Justice Campaign Financing Task Force. We provided the Task Force with a written explanation this past Monday, March 20. Last week, we also informed the IC's Office and the Justice Department of the preliminary information we had just received regarding the OVP e-mail.

Finally, since this Committee's initial inquiry on February 6, 2000, we have made every effort to provide it with as much information as possible. We have facilitated the interviews of current and former EOP staff. This Tuesday, we made an initial production of approximately 3400 pages of documents, including e-mail records.

Concurrent with informing and responding to inquiries from investigative bodies, we have also taken immediate steps to address the possible effects of these errors. As you know, both the "Mail 2" and "Letter D" problems were corrected prospectively in November 1998 and May 1999 respectively. Over the past several weeks, we have been exploring ways to restore the backup tapes of previously unrecorded e-mail records, including those from the OVP, to a readily searchable format. We are ready to begin the restoration process and have already taken measures to achieve this objective. OA is making every effort to find the most expedient, cost-effective method that will permit us not only to search the e-mail records for any responsive information, but also to transfer them back to ARMS for archival purposes.

I have been personally involved with obtaining additional technical expertise to assist us with this project and ensure that we are able to search the backup tapes more quickly than originally anticipated. I understand that OA is exploring a possible restoration method that is considerably cheaper and less time consuming than the estimate OA received in 1998, which I had conveyed to you last week. Sometime next week, I anticipate that OA will have a more definite sense as to whether this is possible. As soon as we make this determination, we will notify you.

On a related point, you inquired in the letter you faxed to me on Sunday how it was that we conducted a search in 1998 if backup tapes were not keyword searchable. I understand that

the search for e-mail records in June 1998 was of e-mail records that existed on the server at that time, not of backup tapes.

Of course, as you can imagine, our ability to respond to the Committee's most recent subpoena seeking e-mail records is contingent upon our ability to restore these records to a keyword searchable format. Once we determine how quickly we can begin searching records, my staff will coordinate with your staff a schedule for producing any responsive materials on a rolling basis.

Finally, there have been several press reports recently that several N-G contractors have said they were threatened with incarceration or termination if they discussed these configuration errors. As I stated earlier, we had not previously been informed of any such allegations. Nonetheless, I have instructed the Associate Director of the Office of Administration's Security Division, Charles Easley, to conduct a complete and thorough review of these allegations. Mr. Easley's duties include conducting and approving background checks of prospective EOP employees and reviewing possible EOP security violations. Mr. Easley has begun his review. Once he has completed his review and informed me of his findings, I will take appropriate additional steps to resolve this matter.

VII. Closing

Mr. Chairman, in closing, I want to emphasize the following points:

- The computer glitches are the result of unintentional human error associated with an extraordinary electronic records archiving system.
- No one attempted to hide responsive information from this Committee or any other investigative body. The EOP has produced or identified to this Committee all responsive information that it located, including over 7700 pages of e-mail records in the campaign finance investigation alone.
- Until recently, the Counsel's Office was not aware of the scope and nature of these errors. In June 1998, the Counsel's Office thought the error was isolated to one search and had subsequently been fixed. The Counsel's Office had no reason to believe that this error had any effect on its searches. Had it thought otherwise, it would have addressed the problem.
- The backup tapes of e-mail records are secure. As I mentioned earlier, we are quickly moving toward a solution that will enable us to search these records.

Mr. Chairman, thank you for the opportunity to address the Committee.

Mr. BURTON. Mr. Raben.

Mr. RABEN. I don't have an opening statement, sir.

Mr. BURTON. No opening statement. We will get right to the questions.

First of all, let me make a real quick statement.

I still find it very difficult to understand or believe that after the Northrop Grumman employees brought to the attention of their supervisors and the people at the White House that there was this glitch that there wasn't a very thorough search of the incoming e-mails. You indicated that they thought they had covered it. But the fact is there were subpoenas from a number of independent counsels, our committee, and everyone at the White House knew about the campaign finance investigation, the Lewinsky matter and the other issues; and it seems to me that there would have been every effort made to make absolutely sure that a thorough—very thorough search was done. And if it was brought to the attention of people at the White House by the Northrop Grumman people that this glitch did occur, then it seems to me that the extent of the search into the missing e-mails would have been much more thorough than it was.

Now, let me just ask you a few questions.

First of all, 2 days ago, when he was asked about my call for a special counsel to investigate the e-mail matter, White House spokesman Joe Lockhart said,

I think the Justice Department will have to make that decision. I will only remind people that, you know, Dan Burton asking for an outside counsel or a special counsel is like the sun coming up in the morning. It happens, you know, once a week or once a month. And you all will have to remember all of the pressing issues that he called for outside counsels on and what came with of them.

Mr. Lockhart seems to be indicating that the President does not think that this is a very serious matter. Is that the President's position?

Ms. NOLAN. Mr. Chairman, the President has asked me to make sure that we can get these searched as quickly as possible. And that is what we are doing. He takes that very seriously.

Mr. BURTON. Let me ask you a question. Since Mr. Lockhart made that statement, do you know how many times that I have called for an independent counsel? He said it is kind of like the sun coming up every morning. Do you have any idea?

Ms. NOLAN. Mr. Chairman, I did not make that statement. I do not have any idea.

Mr. BURTON. Just so Mr. Lockhart and the American people have the facts, I have only called for an independent counsel twice, not every morning when the sun comes up. And one has not been appointed for campaign financing and the e-mail problem. And I am in pretty good company because the Director of the FBI and Chuck LaBella also thought there should be independent counsels for the campaign finance investigation.

I would like to call up exhibit—well I would like to say one more thing. He also has said that we issued 700 subpoenas to the White House, and that is only off by 670. We have issued 30 subpoenas to the White House, not 700.

Would you put up exhibit No. 56? Is that on the form there? This is an affidavit. Do you have a copy of that, Ms. Nolan?

Ms. NOLAN. What is it, sir?

Mr. BURTON. It is an affidavit that was submitted in court in July 1999 by Daniel Barry, a White House employee.

Ms. NOLAN. I do have a copy.

Mr. BURTON. Did lawyers from the White House counsel's office assist in the preparation of that affidavit?

Ms. NOLAN. Mr. Chairman, I know that lawyers from the White House counsel's office would have been working with the lawyers of the Department of Justice on this matter. I don't know if they assisted in the preparation of this particular affidavit.

Mr. BURTON. Well, we have been informed that they did. And if you could check on that, I would appreciate it.

Ms. NOLAN. Certainly.

Mr. BURTON. You don't have any idea which lawyers from the White House were involved then.

Ms. NOLAN. Mr. Chairman, I know that a couple of lawyers have worked on this matter before. As I said, I don't know the specifics of this affidavit.

Mr. BURTON. Could you give me the names of the ones that you think—

Ms. NOLAN. Yes. I believe Sally Paxton worked on this matter at some point and Michelle Peterson.

Mr. BURTON. Michelle Peterson was one that we had information that had been involved.

Mr. Raben, did lawyers from the Justice Department assist in the preparation of that affidavit?

Mr. RABEN. I don't know, sir.

Mr. BURTON. You don't know. Could you find out for us?

Mr. RABEN. Absolutely.

Mr. BURTON. We were told that Justice Department Civil Division lawyers were involved, and we have been informed that James Gilligan was the main DOJ lawyer, and we would like for you to double-check that.

Mr. RABEN. I will find out, sir.

Mr. BURTON. Ms. Nolan, at the time that this affidavit was prepared in July 1999, the counsel's office knew about the e-mail problem, didn't they?

Ms. NOLAN. As I just testified, no. I do not believe that. At least when you talk about the e-mail problem—if you mean the problem that we all know about and are talking about today, no.

Mr. BURTON. Well, they knew that the people from Northrop Grumman had informed Ms. Lindsay and Ms. Crabtree and that had been kicked up to Mr. Podesta. Did you not know that?

Ms. NOLAN. It is my understanding, Mr. Burton—and, of course, I wasn't there, so this is my understanding—that Charles Ruff, then counsel to the President, knew or had been informed that there had been some kind of problem with an e-mail search, that a subsequent search was conducted in order to see if the e-mails had been missed, that that production was provided to the counsel's office which compared it against e-mails it had already produced and determined that there had not, in fact, been any missing e-mails.

Mr. BURTON. Well, but the point is, they did know there was an e-mail problem.

Ms. NOLAN. They knew that there had been a glitch which apparently had been fixed. They did not know that there was any ongoing or larger e-mail problem, as far as I understand, sir.

Mr. BURTON. Mr. Raben, at this time, in July 1999, the Justice Department Civil Division lawyers knew there was an e-mail problem, didn't they?

Mr. RABEN. I don't know, sir. I don't know precisely when the Department or Civil Division attorneys learned about it.

Mr. BURTON. Were you briefed about any of the questions that we might be asking or any of the information we might be seeking before you came up here? Because the first few questions we have asked you don't have any idea what we are talking—or don't have any answers.

Mr. RABEN. I read your—I read the statement that you delivered last week where you indicated what you would be asking me, and I read a news account, and I saw what you would be asking me.

Mr. BURTON. This was one of the questions that—I mean, it was pretty apparent that we would be asking you if the Justice Department knew about the e-mail problem in July 1999. And you say you don't know?

Mr. RABEN. July 1999?

Mr. BURTON. Yes.

Mr. RABEN. Yes, I said I didn't know. You asked about July 1998. But I don't have the facts, and I know that that is the subject of an inquiry right now at the Department of Justice, about exactly what we knew when.

Mr. BURTON. I am disappointed that, you know, that the Justice Department, since this is a very serious matter, didn't work with you and prepare you more for the testimony that you're giving today. It is inconceivable that you would come up here when you're asking these questions that are extremely important and not have any of the answers.

Ms. Nolan, paragraph 4 of the affidavit states, and you have that in front of you, since July 14, 1994, e-mail within the EOP system administered by the Office of Administration has been archived into the EOP Automated Records Management System, the ARMS system. This statement is not true, is it? It is false.

Ms. NOLAN. Mr. Chairman, could you explain to me why you think it is false?

Mr. BURTON. Well, I think the question pretty much speaks for itself. I'll read it to you again. Since July 14th, 1994, e-mail within the EOP system administered by the Office of Administration has been archived in the EOP Automated Records Management System. Now, it hasn't been, has it?

Ms. NOLAN. Mr. Chairman—

Mr. BURTON. Has it been archived in that system?

Ms. NOLAN [continuing]. E-mail was archived. It turned out that some e-mail was not captured, but e-mail was archived, yes.

Mr. Chairman, may I say something about this affidavit, please, if we are going to talk about it?

Mr. BURTON. Sure.

Ms. NOLAN. It is my understanding that this affidavit was filed to explain what would be done, what the time and cost would be involved for searching records regarding this case, which was with

respect to the FBI files matter. The important or relevant information was how the system was set up, how long it would take and, as I understand it, they were particularly thinking about the reconstructed e-mail because the activity that had occurred with respect to the FBI files was in 1993 and 1994. So, I just want to make that clear what this was about. This was not an affidavit saying—from Tony Barry saying we have produced all the e-mail or all e-mail is captured. It was describing the system for a potential e-mail search.

Mr. BURTON. You know, you can give that explanation. But that is not what the affidavit says, is it? I mean, you've got the affidavit in front of you. You know what it says. It doesn't say that.

Mr. BARR. Mr. Chairman, could I indulge you just a moment? I want to make absolutely certain. Because, as the witness was offering this explanation for—

Mr. BURTON. I yield to the gentleman.

Mr. BARR [continuing]. The false statements in the affidavit, citing a legal theory that is unfamiliar to me as an attorney and a former U.S. Attorney, that the context in which an affidavit is providing—is provided can override that it might be perjurious—I want to make sure we are talking about the same affidavit.

We are talking, I believe, about the affidavit signed by Dave A. Barry on July 9, 1999, in which just above the date and his signature the statement appears, "I declare under penalty of perjury that the foregoing is true and correct." Is the witness talking about another affidavit that has some sort of limiting language in it?

Mr. BURTON. No, she's talking about the same affidavit. That is the same affidavit, isn't it?

Ms. NOLAN. I asked if I could give you some context. I never said I was providing a legal theory. I asked if I could give you some context to explain the affidavit. That is what I just did.

Mr. BURTON. Yes, ma'am. We will get back to you—I'll get back to you with further questions.

I'll yield to Mr. Shays.

Mr. SHAYS. Good morning. I would like to make reference to your closing.

You said, Ms. Nolan, in closing, I want to emphasize the following points: "the computer glitch is the result of unintentional human error associated with an extraordinary electronic records archiving system."

Even if we agreed with that, you then said, "No one attempted to hide responsive information from this committee or any other investigative body."

What gives you the capability to make that claim?

Ms. NOLAN. I have tried to make clear that I am saying, based on what I have learned and the people that my office has talked to, I have found no indication that the counsel's office was aware that there was an ongoing problem or that anyone sought to provide such—to hide any such information. And, in fact, I believe that several of the contractors said that last week as well.

Mr. SHAYS. Bottom line is, before you were there these events took place, and then you make an assumption and tell the committee that no one attempted to hide responsive information as far as you know.

Ms. NOLAN. It is not an assumption. It is based on the information I have gathered. And, as I said, I am only able to report what I have gathered and what I have learned up to date.

Mr. SHAYS. Would you put exhibits 3 and 4 up, please?

I just want to ask what the second-to-last paragraph means, where it says, "For all of the categories of e-mail, including ongoing Internet e-mail and e-mail between the EOP users, the system appears to have functioned as intended. Thus, e-mails in these categories"—and then the parenthesis—"other than those that were specifically identified by EOP centers as nonrecords."

What does that mean?

Ms. NOLAN. What part of it, sir? I am sorry.

Mr. SHAYS. Just the parentheses. What are nonrecords?

Ms. NOLAN. When an EOP user sends an e-mail, he or she may indicate that it is a nonrecord e-mail. It is not a Presidential record or a Federal record. If I were to send an e-mail to my mother saying I'll see you next week, that is not a Presidential record. I can indicate it is a nonrecord.

Mr. SHAYS. If you bring the letter down, just read up in the top, it is from Ginnie, I guess, Virginia Apuzzo wrote this memo. It was to John Podesta who was then deputy chief of staff. And it was informing—it was informing him of this problem. And would you just tell me who the signature—that is Ginnie. Who is Chuck? Is that Charles Ruff?

Ms. NOLAN. I believe so, sir.

Mr. SHAYS. What was the response? Do I make the assumption—what was the response to the White House counsel's office once it was informed of the problem?

Ms. NOLAN. My understanding is that Mr. Ruff discussed the matter with Mr. Lindsay, that he understood that it was a problem with a particular e-mail search, that OA through IS&T ran a search which it turned out was a duplicate search of the server, produced those documents, turned out that if there had been a problem it was fixed. In any event, there were no documents that hadn't already been found and produced.

Mr. SHAYS. Now we are talking about the Mail2 configuration issue. That is a 2 year and 3 month gap. I call it just a bottomless pit in which e-mails got relatively lost or couldn't identify. And then letter D configuration I shall use. What is GRS information technology operations and management records? What are you implying there? Was there a third problem?

Ms. NOLAN. What am I implying where, sir?

Mr. SHAYS. We have a Mail2. We have a problem with letter D. Do we have another problem in addition?

Ms. NOLAN. Are you referring to the memo or—

Mr. SHAYS. I am referring to this document right here that accompanied your presentation.

Ms. NOLAN. That is something that a briefing that the Office of Administration—

Mr. SHAYS. Were there three problems or two?

Ms. NOLAN. I don't believe—that was a reference to how e-mail records are going to be stored generally throughout government and archives.

Mr. SHAYS. The Mail2 configuration is 2 years and 3 months, and the letter D configuration problem was 7 months. Do I make an assumption that we are talking about over 246,000 e-mails?

Ms. NOLAN. I don't know how many e-mails there are. We know what they are incoming e-mails from the—from outside the complex into the EOP.

Mr. SHAYS. Is it at least 246,000?

Ms. NOLAN. I don't know, sir.

Mr. SHAYS. Would you look at page 6 in your testimony? You provided us this document here.

Ms. NOLAN. I am sorry, what is that?

Mr. SHAYS. Exhibit 62. OK. It was provided by Northrop Grumman, and the number—this is Northrop Grumman's document, and it is 246,000 e-mails.

Let me just go on. I want to know if you or anyone else discussed this issue with Mr. Ruff and what did he say?

[Exhibit 62 follows:]

6/18/98

Created	Name	UPDATERS	Date Revised
158 10/17/96 04:45:20 PM	Lieber, Carole	CN=Daniel J. Gunia/ CN=Kym M. Adams/ CN=Alan R. Tarica/ CN=John E. Spriggs/	10/17/96,10/17/96,11/21/96,C
1736 10/17/96 04:47:25 PM	Huynh, Phu	CN=Daniel J. Gunia/ CN=Scott D. Rasmussen/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	10/17/96,10/17/96,10/29/96,C
1878 10/17/96 04:53:29 PM	Weaver, Dorian	CN=Daniel J. Gunia/ CN=Scott D. Rasmussen/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	10/17/96,10/17/96,10/29/96,C
5745 10/17/96 05:12:56 PM	Burkhardt, Daniel	CN=Daniel J. Gunia/ CN=Brian P. McKelvey/ CN=Scott D. Rasmussen/ CN=Jeffrey E. Harris/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	10/17/96,10/17/96,10/30/96,1
1680 10/18/96 06:07:35 PM	McClure, Kelli	CN=Daniel J. Gunia/ CN=David M. Cornelissen/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	10/18/96,10/18/96,10/21/96,C
1009 10/18/96 07:08:02 PM	Teague, James	CN=Daniel J. Gunia/ CN=Michael D. Stanton/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	10/18/96,10/18/96,10/21/96,C
1424 10/18/96 07:10:18 PM	Ubbens, Elizabeth	CN=Daniel J. Gunia/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=Daniel J. Gunia/ CN=John E. Spriggs/	10/18/96,10/18/96,03/13/97,C

EXHIBIT
62

NGL 00291

	Created	Name	UPDATERS	Date Revised
262	10/21/96 05:37:50 PM	Good, Terry 40 11/97	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/21/96,10/21/96,10/22/96,C
11267	10/21/96 06:07:16 PM	Willman, Courtland 1902 10/96	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/21/96,10/21/96,10/22/96,C
265	10/21/96 06:09:44 PM	Granger, Theresa 287 10/96	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/21/96,10/21/96,10/22/96,C
4024	10/21/96 06:12:56 PM	Hazard, Susan 308 12/96	CN = Daniel J. Gunia/ CN = Lloyd A. Bryan/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/21/96,10/21/96,10/22/96,C
1102	10/21/96 06:20:15 PM	Salcido, Dorinda 359 6/97	CN = Daniel J. Gunia/ CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/21/96,10/21/96,10/24/96,C
4	10/21/96 06:31:53 PM	Nagy, Alex 1 6/98	CN = Daniel J. Gunia/ CN = Michael D. Stanton/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/21/96,10/21/96,10/22/96,C
405	10/21/96 06:37:14 PM	Cobden, Cameron 0	CN = Daniel J. Gunia/ CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/21/96,10/21/96,10/24/96,C

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	Created	Name	UPDATERS	Date Revised
4615	10/21/96 08:06:17 PM	Fahle, Karen 1151 11/96	CN = Daniel J. Gunia/ CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/21/96,10/21/96,11/15/96,C
93	10/22/96 01:57:58 PM	Houser, Everett 36 5/97	CN = Daniel J. Gunia/ CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,10/23/96,0
34	10/22/96 02:00:03 PM	Simpson, Wandra 0	CN = Daniel J. Gunia/ CN = Scott D. Rasmussen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,10/23/96,C
	10/22/96 02:00:27 PM	FAX1 11/11	CN = Jeffrey E. Harris/ CN = Jeffrey W. May/ CN = Michael J. Schauer/ CN = Alan R. Tarica/ CN = John E. Spriggs/ CN = Robert W. Haas/	10/22/96,10/23/96,10/23/96,0
773	10/22/96 10:05:01 PM	Bobowick, Tracy 115 11/96	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/23/96,11/20/96,C
47	10/22/96 10:06:48 PM	Cozart, Charlene 9 3/98	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,11/14/96,C
15	10/22/96 10:16:26 PM	Hankins, Marjorie 1 6/98	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,11/14/96,C

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	Created	Name	UPDATERS	Date Revised
57	10/22/96 10:22:04 PM	Smith, Dorothea 39 1/97	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,10/22/96,1
60	10/22/96 10:24:09 PM	Binns, Mary 1 12/96	CN = Daniel J. Gunia/ CN = Anthony W. McDonald/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,12/04/96,0
88	10/22/96 10:26:27 PM	Bohrer, George 5 5/96	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,11/15/96,0
129	10/22/96 10:45:35 PM	Goodwin, Donald 65 12/96	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,11/15/96,0
2	10/22/96 10:49:58 PM	Labrador, Agustin 1 4/98	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,11/15/96,0
609	10/22/96 10:53:31 PM	Roddick, Gertrude 50 12/96	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,11/15/96,0
12	10/22/96 10:56:26 PM	Schilling, Elisabeth 4 8/97	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,11/15/96,0 NGL 00294

	Created	Name	UPDATERS	Date Revised
34	10/22/96 11:00:21 PM	Sharp, Michael 20 2/98	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,11/15/96,C
47	10/22/96 11:04:23 PM	Stewart, Annie 2 6/98	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,11/15/96,0
10	10/22/96 11:06:09 PM	Trainor, Gregory 0	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,11/15/96,0
26	10/22/96 11:09:30 PM	Weintraub, Philip 2 5/97	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,11/15/96,0
553	10/22/96 11:14:39 PM	Houser, Robert 90 6/97	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,11/15/96,0
9	10/22/96 11:15:52 PM	Lewis, Sharon 2 6/98	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,11/15/96,0
61	10/22/96 11:17:00 PM	Reagan, James 23 10/97	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,11/21/96,C NGL 00295

Created	Name	UPDATERS	Date Revised
1473 10/22/96 11:21:44 PM	Wood, Debra 93 7/97	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/22/96,12/06/96,C
52 10/22/96 11:27:28 PM	Baer, Christine 20 3/98	CN = Daniel J. Gunia/ CN = Valerie G. Richt/ CN = Bernardene B. Walford/ CN = Daniel J. Gunia/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	10/22/96,10/23/96,11/15/96,C
1842 10/22/96 11:29:04 PM	Briggs, Patrick 75 3/97	CN = Daniel J. Gunia/ CN = Anthony W. McDonald/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/23/96,12/04/96,C
669 10/22/96 11:30:47 PM	Cable, Lynn 117 11/96	CN = Daniel J. Gunia/ CN = Valerie G. Richt/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/23/96,11/15/96,0
20 10/22/96 11:39:12 PM	Rick, Earlene 2 6/98	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/23/96,12/03/96,0
187 10/22/96 11:44:30 PM	Upperman, Eileen 13 5/98	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/23/96,12/03/96,0
3 10/22/96 11:48:33 PM	Williams, Patricia 0	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/23/96,11/15/96,C NGL 00296

	Created	Name	UPDATERS	Date Revised
123	10/22/96 11:56:39 PM	Dickey, Lana 50 11/96	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/23/96,11/14/96,0
1297	10/22/96 11:56:50 PM	Fowler, Carmen 81 8/97	CN = Daniel J. Gunia/ CN = Richard C. Crum/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/22/96,10/23/96,11/14/96,0
8	10/23/96 12:03:49 AM	Campbell, Frances 0 -	CN = Daniel J. Gunia/ CN = Scott D. Rasmussen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/23/96,10/23/96,10/23/96,0
77	10/23/96 12:05:04 AM	Nash, Charles 5 3/97	CN = Daniel J. Gunia/ CN = Lloyd A. Bryan/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/23/96,10/23/96,10/23/96,0
723	10/23/96 12:06:49 AM	Johnson, Lee 190 10/96	CN = Daniel J. Gunia/ CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/23/96,10/23/96,10/23/96,1
734	10/23/96 08:31:50 PM	Blocker III, Ananias 103 7/97	CN = Daniel J. Gunia/ CN = Michael D. Stanton/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/23/96,10/23/96,10/25/96,0
1727	10/23/96 08:34:47 PM	Jacoby, Peter 96 6/97	CN = Daniel J. Gunia/ CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/23/96,10/23/96,10/25/96,0 NGL 00297

	Created	Name	UPDATERS	Date Revised
4085	10/23/96 08:39:42 PM	Maldon, Alphonse 185 1/97	CN = Daniel J. Gunia/ CN = Scott D. Rasmussen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/23/96,10/23/96,10/25/96,0
1973	10/23/96 08:42:58 PM	Murguia, Janet 632 1/97	CN = Daniel J. Gunia/ CN = Michael D. Stanton/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/23/96,10/23/96,10/25/96,0
1939	10/23/96 08:43:52 PM	Donnelly III, Raymond 142 3/97	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/23/96,10/23/96,10/23/96,1
1221	10/23/96 08:56:11 PM	Heimbach, James 0 —	CN = Daniel J. Gunia/ CN = Scott D. Rasmussen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/23/96,10/23/96,10/25/96,0
0423	10/23/96 08:58:04 PM	Millsap, Elisa 293 10/96	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/23/96,10/23/96,10/24/96,0
3998	10/23/96 08:59:48 PM	Thornton, Tracey 706 11/96	CN = Daniel J. Gunia/ CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/23/96,10/23/96,10/25/96,0
3700	10/25/96 01:06:54 AM	Droege, Philip 1760 5/97	CN = Daniel J. Gunia/ CN = SEC. NT/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/25/96,10/25/96,10/25/96,0

NGL 00298

	Created	Name	UPDATERS	Date Revised
14	10/25/96 01:11:54 AM	Evans, Wanda 5 2/98	CN = Daniel J. Gunia/ CN = Scott D. Rasmussen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/25/96,10/25/96,11/20/96,C
46	10/25/96 01:15:50 AM	Freeman, Myra 47 11/96	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/	10/25/96,10/25/96,03/11/97
66	10/25/96 01:19:00 AM	Howell, Willie 9 12/97	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	10/25/96,10/25/96,03/11/97,C
1	10/25/96 01:21:10 AM	Jones, Crystal 0	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/	10/25/96,10/25/96,10/25/96,0
28	10/25/96 01:22:42 AM	Jones, Deborah 30 10/97	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/	10/25/96,10/25/96,03/12/97
40	10/25/96 01:26:22 AM	Septoff, Michael 5 2/98	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	10/25/96,10/25/96,03/12/97,0
3/7	10/25/96 01:27:49 AM	Shourds, Cynthia 22 11/97	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = Arthur C. Calliguran/ CN = John E. Spriggs/	10/25/96,10/25/96,03/13/97,C NGL 00299

	Created	Name	UPDATERS	Date Revised
3	10/25/96 01:29:20 AM	Taggart Jr, Hugh 0	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	10/25/96,10/25/96,03/13/97,0
25	10/25/96 01:31:30 AM	Tucker, Phyllis 4 5/97	CN = Daniel J. Gunia/ CN = Scott D. Rasmussen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/25/96,10/25/96,11/20/96,0
12	10/25/96 01:33:17 AM	Young, Patricia 6 5/98	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/25/96,10/25/96,03/14/97,0
5	10/25/96 01:39:37 AM	Westray, Howard 3 6/98	CN = Daniel J. Gunia/ CN = Scott D. Rasmussen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/25/96,10/25/96,02/13/97,0
1	10/25/96 01:41:53 AM	Fisher, Everlene 1 6/98	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/	10/25/96,10/25/96,03/11/97
83	10/25/96 01:43:54 AM	James Jr, Theodoric 50 11/96	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	10/25/96,10/25/96,03/12/97,0
521	10/28/96 04:15:22 PM	Holt, Holly 51 3/98	CN = Daniel J. Gunia/ CN = Lloyd A. Bryan/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/28/96,10/28/96,10/28/96,0

NGL 00300

	Created	Name	UPDATERS	Date Revised
567	10/28/96 04:22:07 PM	Bates, Melinda 237 12/96	CN = Daniel J. Gunia/ CN = Scott D. Rasmussen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/28/96,10/28/96,10/29/96,0
855	10/28/96 05:25:47 PM	McCoy, Ann 210 8/97	CN = Daniel J. Gunia/ CN = Brian P. McKelg/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/28/96,10/28/96,10/30/96,0
6	10/28/96 05:28:23 PM	Hoberman, Marc 8 6/98	CN = Daniel J. Gunia/ CN = Brian P. McKelg/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/28/96,10/28/96,10/30/96,0
9958	10/28/96 06:20:09 PM	Raines, Ashley 1477 5/97	CN = Daniel J. Gunia/ CN = William R. Peezle/ CN = Bernardene B. Walford/ CN = Robert W. Haas/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/28/96,10/28/96,10/28/96,1
3508	10/28/96 08:09:51 PM	Eaglin, Ruth 373 11/96	CN = Daniel J. Gunia/ CN = Lloyd A. Bryan/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/28/96,10/28/96,10/29/96,0
4182	10/28/96 08:20:35 PM	Duncan, Charles 791 10/96	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/28/96,10/28/96,10/29/96,0
5438	10/28/96 08:27:41 PM	Nash, Bob 959 10/96	CN = Daniel J. Gunia/ CN = Michael D. Stanton/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/28/96,10/28/96,10/30/96,0 NGL 00301

	Created	Name	UPDATERS	Date Revised
7192	10/29/96 12:11:25 AM	Demeo, Laura 539 11/96	CN=Daniel J. Gunia/ CN=Lloyd A. Bryan/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	10/29/96,10/29/96,10/29/96,C
7888	10/30/96 12:50:33 PM	Kitchen, Catherine 1400 11/96	CN=Daniel J. Gunia/ CN=Kym M. Adams/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	10/30/96,10/30/96,11/20/96,C
7317	10/31/96 03:43:49 PM	Mills, Cheryl 3061 11/96	CN=Daniel J. Gunia/ CN=Michael D. Stanton/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	10/31/96,10/31/96,11/05/96,C
2130	10/31/96 07:34:29 PM	Bird, Debra 306 3/97	CN=Daniel J. Gunia/ CN=David M. Cornelissen/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	10/31/96,10/31/96,11/14/96,C
0	10/31/96 07:39:02 PM	Stefanopoulos, Helen C	CN=Daniel J. Gunia/ CN=Kym M. Adams/ CN=Alan R. Tarica/ CN=John E. Spriggs/	10/31/96,10/31/96,11/20/96,C
43	10/31/96 07:41:05 PM	Garner, Barbara 2 6/98	CN=Daniel J. Gunia/ CN=Kym M. Adams/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	10/31/96,10/31/96,11/21/96,C
78	10/31/96 07:42:34 PM	Jones, Cyril 0 231	CN=Daniel J. Gunia/ CN=Kym M. Adams/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	10/31/96,10/31/96,10/31/96,C

NGL 00302

157168

Created	Name	UPDATERS	Date Revised
0 10/31/96 07:48:45 PM	Smith, Bernice 0	CN=Daniel J. Gunia/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	10/31/96,10/31/96,10/31/96,0
1902 10/31/96 07:50:40 PM	Pushkar, Alice 186 1/97	CN=Daniel J. Gunia/ CN=Valerie G. Rich/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	10/31/96,10/31/96,11/15/96,0
39 10/31/96 07:55:19 PM	Beveridge, Susan 6 4/98	CN=Daniel J. Gunia/ CN=David M. Cornelissen/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	10/31/96,10/31/96,11/14/96,0
381/ 11/03/96 11:43:24 AM	Gunia, Daniel 37 6/98	CN=SEC NT/ CN=William R. Feezle/ CN=SEC NT/ CN=Bernardene B. Walford/ CN=Daniel J. Gunia/ CN=SEC NT/OU=OA/O=EOP CN=Alan R. Tarica/ CN=John E. Spriggs/ CN=Susan P. Powell/ CN=Daniel J. Gunia/	11/03/96,11/03/96,11/03/96,1
23326 11/03/96 03:50:59 PM	Dale, Suzanne 3304 11/96	CN=SEC NT/OU=OA/O=EOP CN=Daniel J. Gunia/ CN=Scott D. Rasmussen/ CN=Bernardene B. Walford/ CN=Lloyd A. Bryan/ CN=Alan R. Tarica/ CN=John E. Spriggs/	11/03/96,11/03/96,11/04/96,1
3575 11/04/96 03:17:47 PM	Rosenthal, Dan 816 12/96	CN=SEC NT/OU=OA/O=EOP CN=Valerie G. Rich/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	11/04/96,11/04/96,11/05/96,0
2663 11/04/96 03:21:46 PM	Warren, Setti 559 7/97	CN=SEC NT/OU=OA/O=EOP CN=Valerie G. Rich/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	11/04/96,11/04/96,11/05/96,0 NGL 00303

Created	Name	UPDATERS	Date Revised
1094 11/04/96 03:59:32 PM	Beaubaire, David 12/94 1/98	CN=SEC NT/OU=OA/O=EOP CN=Richard C. Crum/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/ CN=Robert W. Haas/	11/04/96,11/04/96,11/05/96,C
3284 11/04/96 05:52:11 PM	Balderston, Kris 888 7/97	CN=SEC NT/OU=OA/O=EOP CN=Michael D. Stanton/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=Daniel J. Gunia/ CN=John E. Spriggs/	11/04/96,11/04/96,11/06/96,C
7864 11/04/96 05:58:18 PM	McGuire, Anne 3940 11/96	CN=SEC NT/OU=OA/O=EOP CN=Michael D. Stanton/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	11/04/96,11/04/96,11/06/96,C
3890 11/04/96 07:26:46 PM	Morrison, Mary 4/96 4/97	CN=SEC NT/OU=OA/O=EOP CN=David M. Cornelissen/ CN=Bernardene B. Walford/ CN=Scott D. Rasmussen/ CN=Alan R. Tarica/ CN=John E. Spriggs/	11/04/96,11/04/96,11/07/96,C
1049 11/04/96 07:30:14 PM	Graham, Laura 13 12/96	CN=SEC NT/OU=OA/O=EOP CN=David M. Cornelissen/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	11/04/96,11/04/96,11/08/96,C
5554 11/05/96 01:01:24 PM	Stern, Todd 400 12/96	CN=SEC NT/OU=OA/O=EOP CN=Kym M. Adams/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	11/05/96,11/05/96,11/20/96,C
5559 11/05/96 01:07:31 PM	Caplan, Phillip 944 5/97	CN=SEC NT/OU=OA/O=EOP CN=Michael D. Stanton/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	11/05/96,11/05/96,11/06/96,C

NGL 00304

	Created	Name	UPDATERS	Date Revised
106	11/05/96 01:19:08 PM	Cleveland, Carolyn 44 10/97	CN = SEC. NT/OU = OA/O = EOP CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/05/96,11/05/96,01/23/97,0
352	11/06/96 02:49:30 PM	Craighead, Kelly 35 12/97	CN = Arthur C. Caliguiran/ CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/06/96,11/06/96,11/14/96,0
6	11/06/96 03:16:20 PM	McCathran, Ellen 2 6/98	CN = Arthur C. Caliguiran/ CN = David M. Cornelissen/ CN = Anthony W. McDonald/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/06/96,11/06/96,11/07/96,1
138	11/06/96 03:26:43 PM	Neslen, David 12 12/96	CN = Arthur C. Caliguiran/ CN = David M. Cornelissen/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/06/96,11/06/96,11/07/96,0
1314	11/06/96 03:37:05 PM	Streett, Stephanie 159 8/97	CN = Arthur C. Caliguiran/ CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/06/96,11/06/96,11/14/96,0
6	11/06/96 03:39:22 PM	Peterson, Karen 5 6/98	CN = Arthur C. Caliguiran/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/06/96,11/06/96,11/15/96,0
448	11/07/96 09:22:15 AM	Solis-Doyle, Patricia 7 6/98	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Alan R. Tarica/ CN = Teresa L. Chiatto/ CN = John E. Spriggs/	11/07/96,11/07/96,11/07/96,0 NGL 00305

Created	Name	UPDATERS	Date Revised
3647 11/07/96 02:08:59 PM	Band, Douglas 5/05 11/96	CN = Arthur C. Caliguiran/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	11/07/96,11/07/96,11/13/96,0
7884 11/07/96 02:15:32 PM	Chirwa, Dawn 12/13 1/96	CN = Arthur C. Caliguiran/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/07/96,11/07/96,11/13/96,0
0320 11/07/96 02:20:24 PM	Kagan, Elena 321 6/97	CN = Arthur C. Caliguiran/ CN = Kym M. Adams/ CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/07/96,11/07/96,11/20/96,0
583 11/07/96 02:52:03 PM	Johnson, Rochester 91 11/96	CN = Arthur C. Caliguiran/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/07/96,11/07/96,11/07/96,1
199 11/07/96 03:01:00 PM	Paxton, Sally 22 4/98	CN = Arthur C. Caliguiran/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/07/96,11/07/96,11/13/96,0
52 11/07/96 03:16:45 PM	Lindsey, Bruce 17 11/96	CN = Arthur C. Caliguiran/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/ CN = Bernardene B. Walford/	11/07/96,11/07/96,11/15/96,0
8290 11/07/96 07:53:44 PM	Ryan, Evan 2106 12/96	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/07/96,11/07/96,12/04/96,0

NGL 00306

	Created	Name	UPDATERS	Date Revised
50	11/07/96 08:11:53 PM	Berry, Marsha 0	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/07/96, 11/07/96, 11/07/96, 1
8191	11/08/96 09:15:05 AM	Waldman, Michael 5158 11/96	CN = Arthur C. Calliguiran/ CN = Richard C. Crum/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/08/96, 11/08/96, 11/13/96, C
9134	11/08/96 09:24:08 AM	Saunders, G. 3005 1/97	CN = Arthur C. Calliguiran/ CN = Richard C. Crum/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/08/96, 11/08/96, 11/08/96, C
10125	11/08/96 09:31:22 AM	Johnson, Robert 1088 4/97	CN = Arthur C. Calliguiran/ CN = Michael D. Stanton/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/08/96, 11/08/96, 12/31/96, C
1242	11/08/96 09:37:16 AM	Valdez, Suzanna 81 5/97	CN = Arthur C. Calliguiran/ CN = Michael D. Stanton/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/08/96, 11/08/96, 12/31/96, C
1227	11/08/96 09:39:31 AM	Li, Gordon 13 11/97	CN = Arthur C. Calliguiran/ CN = Scott D. Rasmussen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/08/96, 11/08/96, 11/12/96, C
4225	11/08/96 11:36:07 AM	Stott, Darby 2442 3/97	CN = Arthur C. Calliguiran/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/08/96, 11/08/96, 11/22/96, C

NGL 00307

Created	Name	UPDATERS	Date Revised
707 11/08/96 11:53:36 AM	Schwartz, Laura 24/ 11/96	CN = Arthur C. Caliguiran/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/08/96,11/08/96,11/18/96,0
372 11/08/96 11:58:56 AM	Currie, Betty 8/1 11/96	CN = Arthur C. Caliguiran/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/08/96,11/08/96,11/22/96,0
3418 11/08/96 12:01:37 PM	Cameron, Rebecca 1300 11/96	CN = Arthur C. Caliguiran/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/08/96,11/08/96,11/08/96,1
7103 11/08/96 02:32:54 PM	Scoville, Brooks 1576 11/96	CN = Arthur C. Caliguiran/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/08/96,11/08/96,11/19/96,0
8281 11/08/96 02:44:54 PM	Capps, Laura 1728 6/97	CN = Arthur C. Caliguiran/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/08/96,11/08/96,01/16/97,0
2480 11/08/96 02:48:18 PM	Reynolds, Stacy 61 4/97	CN = Arthur C. Caliguiran/ CN = Michael D. Stanton/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/08/96,11/08/96,12/18/96,0
0000 11/08/96 03:37:17 PM	Alston, Mildred 102 8/97	CN = Arthur C. Caliguiran/ CN = Kym M. Adams/ CN = Michael D. Stanton/ CN = Bernardene B. Walford/ CN = William R. Feeze/ CN = Arthur C. Caliguiran/ CN = Robert W. Haas/ CN = Daniel J. Gurley/	11/08/96,11/08/96,11/22/96,0 NGL 00308

	Created	Name	UPDATERS	Date Revised
108	11/14/96 12:45:03 PM	Bowles, Erskine 161 5/97	CN = Daniel J. Gunia/ CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/14/96,11/14/96,11/14/96,0
1584	11/14/96 12:52:51 PM	Moran, Kevin 585 5/97	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = Robert W. Haas/ CN = John E. Spriggs/	11/14/96,11/14/96,11/14/96,1
1051	11/14/96 03:22:22 PM	Anderson, Lori 1805 12/96	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	11/14/96,11/14/96,11/25/96,0
6318	11/15/96 12:25:46 PM	Hughes, Edward 930 1/97	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/15/96,11/15/96,11/20/96,0
2866	11/15/96 02:12:59 PM	Hanlin, Kirk 549 11/96	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/15/96,11/15/96,11/15/96,0
34	11/15/96 04:26:54 PM	Showers, Wendy 2 6/98	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/15/96,11/15/96,12/12/96,0
125	11/18/96 02:36:22 PM	Belsky, David 2 4/98	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/18/96,11/18/96,11/21/96,0

NGL 00309

	Created	Name	UPDATERS	Date Revised
3450	11/20/96 09:50:59 AM	Canter, Virginia 158 4/97	CN = Paul F. Degenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/20/96, 11/20/96, 11/20/96, C
9	11/20/96 03:13:33 PM	Evans, Madalene 0 —	CN = Daniel J. Gunia/ CN = Jeffrey E. Harris/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/20/96, 11/20/96, 03/11/97, 0
558	11/21/96 03:03:12 PM	Moore, Linda 28 5/98	CN = Arthur C. Caliguiran/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/21/96, 11/21/96, 11/22/96, 0
229	11/21/96 05:14:44 PM	Sosnik, Douglas 47 9/97	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/21/96, 11/21/96, 11/22/96, 0
5863	11/21/96 07:56:56 PM	Silverman, Joshua 2294 12/96	CN = Daniel J. Gunia/ CN = SEC. NT/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	11/21/96, 11/21/96, 12/03/96, 0
3307	11/21/96 08:02:29 PM	Crisi, Michelle 712 1/96	CN = Daniel J. Gunia/ CN = SEC. NT/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/21/96, 11/21/96, 11/25/96, 0
78	11/21/96 08:05:21 PM	Emanuel, Rahm 37 7/97	CN = Daniel J. Gunia/ CN = SEC. NT/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/21/96, 11/21/96, 11/25/96, C NGL 00310

	Created	Name	UPDATERS	Date Revised
1332	11/21/96 08:07:17 PM	Engskov, Paul 25 12/96	CN = Daniel J. Gunia/ CN = SEC. NT/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/21/96, 11/21/96, 12/03/96, C
8312	11/21/96 08:13:54 PM	Mason, Julie 2703 12/96	CN = Daniel J. Gunia/ CN = SEC. NT/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/21/96, 11/21/96, 12/03/96, C
1484	11/21/96 08:16:20 PM	Toiv, Barry 135 6/98	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/21/96, 11/21/96, 11/25/96, C
5062	11/21/96 08:46:18 PM	Vega, Dag 949 8/97	CN = Daniel J. Gunia/ CN = SEC. NT/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/21/96, 11/21/96, 11/26/96, C
30	11/21/96 08:48:04 PM	McCurry, Michael 6 6/98	CN = Daniel J. Gunia/ CN = SEC. NT/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/21/96, 11/21/96, 12/03/96, C
941	11/22/96 09:38:43 AM	O'Shea, Rosemary 64 7/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/22/96, 11/22/96, 11/22/96, C
2978	11/22/96 10:29:12 AM	Skinner, C. 1352 1/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/22/96, 11/22/96, 11/22/96, C

NGL 00311

Created	Name	UPDATERS	Date Revised
3/3/ 11/22/96 01:28:57 PM	Edwards, Anne 705 12/96	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	11/22/96,11/22/96,11/26/96,C
5452 11/25/96 01:18:04 PM	Costello, Brenda 1467 11/96	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	11/25/96,11/25/96,11/27/96,0
5910 11/25/96 01:23:15 PM	Walker, Ann 1090 12/96	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	11/25/96,11/25/96,11/27/96,0
1635 11/25/96 01:34:02 PM	Tamagni, Jordan 363 4/97	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Paul F. Dagensis/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = Robert W. Haas/ CN = John E. Spriggs	11/25/96,11/25/96,11/27/96,0
2924 11/25/96 01:42:37 PM	Shih, June 598 5/97	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	11/25/96,11/25/96,11/27/96,0
1067 11/25/96 01:49:09 PM	Muscattine, Allison 368 11/97	CN = Daniel J. Gunia/ CN = Kym M. Adams/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	11/25/96,11/25/96,12/03/96,0
432 11/26/96 03:41:07 PM	Hildebrand, Evelyn 18 12/96	CN = Paul F. Dagensis/ CN = Alan R. Tarica/ CN = John E. Spriggs	11/26/96,11/26/96,11/26/96,C

NGL 00312

Created	Name	UPDATERS	Date Revised
11/29/96 09:11:44 AM	Matsui, Doris 3407 1/97	CN=Paul F. Dagenais/ CN=Michael D. Stanton/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	11/29/96,11/29/96,12/31/96,0
3360 11/29/96 09:18:44 AM	Carter, Cheryl 346 4/97	CN=Paul F. Dagenais/ CN=Daniel J. Gunia/ CN=David M. Cornelissen/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	11/29/96,11/29/96,12/04/96,1
11/29/96 09:28:13 AM	O'Keefe, Peter 1512 7/97	CN=Paul F. Dagenais/ CN=Michael D. Stanton/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	11/29/96,11/29/96,12/27/96,0
7839 11/29/96 10:05:56 AM	Wexler, Daniel 598 12/96	CN=Paul F. Dagenais/ CN=Kym M. Adams/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	11/29/96,11/29/96,12/05/96,0
11/29/96 10:54:11 AM	Robinson, Christa 1238 2/97	CN=Paul F. Dagenais/ CN=David M. Cornelissen/ CN=Daniel J. Gunia/ CN=Bernardene B. Walford/ CN=Daniel J. Gunia/ CN=Alan R. Tarica/ CN=John E. Spriggs/	11/29/96,11/29/96,12/27/96,0
7613 12/04/96 12:47:03 PM	White Jr., William 1461 5/97	CN=Daniel J. Gunia/ CN=SEC NT/OU/ CN=Michael D. Stanton/ CN=Bernardene B. Walford/ CN=John E. Spriggs/ CN=Alan R. Tarica/ CN=John E. Spriggs/	12/04/96,12/04/96,12/04/96,1
7837 12/04/96 01:00:17 PM	Woolley, Barbara 3281 1/97	CN=Daniel J. Gunia/ CN=SEC NT/OU/ CN=David M. Cornelissen/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	12/04/96,12/04/96,12/27/96,0 NGL 00313

Created	Name	UPDATERS	Date Revised
6680 12/04/96 01:18:34 PM	Seba, Sandra 853 1/97	CN = Daniel J. Gunia/ CN = SEC. NT/OU CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	12/04/96, 12/04/96, 01/02/97, 0
22 12/09/96 03:58:23 PM	Mendoza, Manuel 8 6/98	CN = Daniel J. Gunia/ CN = Lloyd A. Bryan/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	12/09/96, 12/10/96, 01/06/97, 0
5307 12/09/96 04:12:29 PM	Button, Katharine 3734 1/97	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	12/09/96, 12/10/96, 01/06/97, 0
1971 12/10/96 12:43:35 PM	Rabner, Nicole 2139 1/97	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	12/10/96, 12/10/96, 01/06/97, 0
542 12/10/96 12:45:35 PM	McCathran, William 113 5/97	CN = Daniel J. Gunia/ CN = Richard C. Crum/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	12/10/96, 12/10/96, 01/10/97, 0
1165 12/10/96 01:01:59 PM	Thomas III, Edwin 108 7/97	CN = Daniel J. Gunia/ CN = Richard C. Crum/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	12/10/96, 12/10/96, 12/10/96, 0
3698 12/10/96 01:04:53 PM	Kalbaugh, David 1232 1/97	CN = Daniel J. Gunia/ CN = Richard C. Crum/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	12/10/96, 12/10/96, 01/10/97, 0 NGL 00314

Created	Name	UPDATERS	Date Revised
2611 12/10/96 01:09:52 PM	Williams, Sherman 347 4/97	CN = Daniel J. Gunia/ CN = Richard C. Crum/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	12/10/96,12/10/96,12/10/96,1
1463 12/10/96 01:29:59 PM	Cohen, Steven 5887 1/97	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	12/10/96,12/10/96,12/10/96,0
274 12/17/96 04:53:07 PM	Marshall, Capricia 32 3/98	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	12/17/96,12/17/96,01/03/97,0
863 12/17/96 08:52:00 PM	Farnsworth, Sarah 96 4/97	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Alan R. Tarica/ CN = John E. Spriggs	12/17/96,12/17/96,12/30/96,0
692 12/17/96 08:54:40 PM	Hothem, Eric 215 5/98	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	12/17/96,12/17/96,01/03/97,0
13521 12/17/96 09:01:18 PM	Widdess, Kim 1945 2/97	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	12/17/96,12/17/96,12/30/96,0
2090 12/18/96 11:23:16 AM	Goldberg, Adam 798 3/97	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	12/18/96,12/18/96,12/18/96,0 NGL 00315

	Created	Name	UPDATERS	Date Revised
107	12/18/96 01:14:59 PM	Wright, Ronald 8 4/98	CN=Daniel J. Gunia/ CN=Jeffrey E. Harris/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	12/18/96,12/18/96,12/18/96,1
94	12/18/96 07:13:41 PM	Kearney, Janice 16 5/97	CN=Daniel J. Gunia/ CN=Alan R. Tarica/	12/18/96,12/18/96,08/19/97
2535	12/18/96 07:24:10 PM	Ronnet, Steven 2288 2/97	CN=Daniel J. Gunia/ CN=Valerie G. Rich/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	12/18/96,12/18/96,01/08/97,C
700	12/18/96 07:32:38 PM	Hemreich, Nancy 133 1/97	CN=Daniel J. Gunia/ CN=David M. Cornilissent/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	12/18/96,12/18/96,01/08/97,C
3070	12/20/96 09:47:04 AM	Wondwossen, Woyneab 682 1/98	CN=Paul F. Dagenais/ CN=Bernardene B. Walford/ CN=Daniel J. Gunia/ CN=Alan R. Tarica/ CN=John E. Spriggs/	12/20/96,12/20/96,12/20/96,C
754	12/23/96 12:04:42 PM	Baker, Joan 25 4/97	CN=Paul F. Dagenais/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=Daniel J. Gunia/ CN=John E. Spriggs/	12/23/96,12/23/96,12/23/96,C
87	12/23/96 01:07:29 PM	Belanti, Jacqueline 0	CN=Paul F. Dagenais/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	12/23/96,12/23/96,12/23/96,C

NGL 00316

	Created	Name	UPDATERS	Date Revised
111	12/23/96 01:35:57 PM	Gaines, Karen 11 6/98	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	12/23/96, 12/23/96, 12/23/96, C
2473	12/23/96 02:11:46 PM	Dominguez, Marie-Therese 286 4/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	12/23/96, 12/23/96, 12/23/96, C
500	12/24/96 12:58:05 PM	Pribulsky, Jaycee 149 5/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	12/24/96, 12/24/96, 12/24/96, C
1215	12/27/96 01:43:45 PM	Robinson, Helen 121 4/97	CN = Daniel J. Gunia/ CN = Lloyd A. Bryan/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	12/27/96, 12/27/96, 01/14/97, C
814	12/30/96 10:15:58 AM	Popp, Karen 49 4/98	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	12/30/96, 12/30/96, 12/30/96, C
14	01/02/97 05:11:17 PM	Goldberg, Diane 14 5/97	CN = Daniel J. Gunia/ CN = Alan R. Tarica/	01/02/97, 01/02/97, 01/02/97
432	01/03/97 12:42:45 PM	Podesta, John 157 3/97	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/03/97, 01/03/97, 01/03/97, C

NGL 00317

	Created	Name	UPDATERS	Date Revised
1639	01/03/97 01:23:05 PM	Mathews, Sylvia 81 1/97	CN=Daniel J. Gunia/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	01/03/97,01/03/97,01/03/97,C
49	01/03/97 02:30:38 PM	Fairbanks, Carmella 2 6/98	CN=Daniel J. Gunia/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	01/03/97,01/03/97,01/03/97,C
4761	01/06/97 10:52:59 AM	Latham, Sara 2542 1/97	CN=Daniel J. Gunia/ CN=SEC NT/OU= CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	01/06/97,01/06/97,01/06/97,C
1159	01/14/97 03:36:16 PM	Mays, Cathy 419 1/97	CN=Daniel J. Gunia/ CN=SEC NT/OU= CN=Valerie G. Rich/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	01/14/97,01/14/97,01/15/97,C
7014	01/14/97 03:38:17 PM	Reed, Bruce 368 1/97	CN=Daniel J. Gunia/ CN=SEC NT/OU= CN=Valerie G. Rich/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	01/14/97,01/14/97,01/15/97,C
2291	01/14/97 03:45:00 PM	Weinstein Jr., Paul 396 1/97	CN=Daniel J. Gunia/ CN=SEC NT/OU= CN=Valerie G. Rich/ CN=Bernardene B. Walford/ CN=John E. Spriggs/ CN=Alan R. Tarica/ CN=John E. Spriggs/	01/14/97,01/14/97,01/15/97,C
60	01/16/97 12:18:00 PM	Goldberg, Donald 31 8/97	CN=Paul F. Dagenais/ CN=Bernardene B. Walford/ CN=Alan R. Tarica/ CN=John E. Spriggs/	01/16/97,01/16/97,01/16/97,C

NGL 00318

	Created	Name	UPDATERS	Date Revised
1154	01/16/97 03:11:42 PM	Kallit, Thomas 6330 5/97	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/16/97,01/16/97,01/17/97,0
1834	01/18/97 09:23:47 AM	Kullman, Karin 318 4/97	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/18/97,01/18/97,01/21/97,0
1469	01/18/97 11:57:33 AM	Turner, June 212 5/97	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/18/97,01/18/97,01/18/97,0
5570	01/18/97 12:00:04 PM	Newman, Elizabeth 2009 4/97	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/18/97,01/18/97,01/18/97,0
1652	01/21/97 12:39:02 PM	Marshall, William 207 4/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/21/97,01/21/97,01/21/97,0
5268	01/22/97 11:36:34 AM	Shimabukuro, Leanne 301 3/97	CN = Daniel J. Gunia/ CN = Valerie G. Richt/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/22/97,01/22/97,01/23/97,0
486	01/22/97 01:23:38 PM	Vellenga, Thomas 48 4/97	CN = Daniel J. Gunia/ CN = Valerie G. Richt/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/22/97,01/22/97,01/23/97,0 NGL 00319

Created	Name	UPDATERS	Date Revised
716 01/22/97 07:02:50 PM	Bublick Max, Sandra 42 1/97	CN = Daniel J. Gunia/ CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/22/97,01/22/97,01/23/97,0
5964 01/23/97 09:38:33 AM	Vogel, Miriam 591 4/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/23/97,01/23/97,01/23/97,0
5160 01/23/97 03:17:56 PM	Fortuna, Diana 539 2/97	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Michael J. Schauer/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/23/97,01/23/97,01/24/97,0
3334 01/23/97 03:29:59 PM	Jennings, Christopher 526 3/97	CN = Daniel J. Gunia/ CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/23/97,01/23/97,01/27/97,0
492 01/23/97 07:46:18 PM	Magaziner, Ira 3693 1/97	CN = Daniel J. Gunia/ CN = SEC NT/OU = OA/O = EOP CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/23/97,01/23/97,01/24/97,0
753 01/23/97 07:58:36 PM	Cicetti, Pamela 142 5/97	CN = Daniel J. Gunia/ CN = Lloyd A. Bryan/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/23/97,01/23/97,01/28/97,0
5359 01/23/97 08:05:48 PM	Klein, Jennifer 361 4/97	CN = Daniel J. Gunia/ CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/23/97,01/23/97,01/27/97,0

NGL 00320

	Created	Name	UPDATERS	Date Revised
638	01/24/97 12:38:25 PM	Kaplan, Jody 103 3/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/24/97,01/24/97,01/24/97,0
7099	01/28/97 09:45:10 AM	Parmelee, Carole 1950 2/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/28/97,01/28/97,01/28/97,0
349	01/28/97 10:25:15 AM	Joshiyn, Gay 140 8/97	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/28/97,01/28/97,01/29/97,0
401	01/28/97 10:39:51 AM	Dimond, Paul 14 5/97	CN = Daniel J. Gunia/ CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/28/97,01/28/97,01/31/97,0
7697	01/28/97 10:47:00 AM	Robyn, Dorothy 1616 2/97	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/28/97,01/28/97,01/29/97,0
3416	01/28/97 12:32:27 PM	Lewis, Ann 30 9/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/28/97,01/28/97,01/28/97,0
3202	01/28/97 01:01:32 PM	Kaplan, Jonathan 47 5/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/28/97,01/28/97,01/28/97,0

NGL 00321

	Created	Name	UPDATERS	Date Revised
103	01/29/97 12:06:14 PM	Scourfield, Judithanne 1109 1/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/29/97,01/29/97,01/29/97,C
262	01/29/97 03:27:44 PM	Matthews, Sonyia 119 5/97	CN = Daniel J. Gunia/ CN = Valerie G. Rich/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/29/97,01/29/97,01/31/97,0
273	01/30/97 03:08:50 PM	Barnes, Beverly 76 3/97	CN = Paul F. Dagenais/ CN = Brian P. McKel/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/30/97,01/30/97,01/30/97,C
3003	01/31/97 01:18:12 PM	Meyer, Noa 734 9/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/31/97,01/31/97,01/31/97,0
416	01/31/97 02:04:10 PM	Siegel, Michael 19 3/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	01/31/97,01/31/97,01/31/97,C
6173	02/03/97 11:29:52 AM	Montoya, Daniel 2523 2/97	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/03/97,02/03/97,02/03/97,C
8659	02/03/97 12:56:36 PM	Anders, Brenda 2252 2/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	02/03/97,02/03/97,02/03/97,C

NGL 00322

	Created	Name	UPDATERS	Date Revised
1796	02/04/97 07:59:28 PM	Siewert, Jake 664 3/97	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	02/04/97,02/04/97,02/04/97,0
1516	02/05/97 08:41:49 AM	Lambrew, Jeanne 1996 3/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/05/97,02/05/97,02/05/97,0
4256	02/05/97 01:47:52 PM	Sanchez, Ana 1318 2/97	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/05/97,02/05/97,02/05/97,0
5064	02/06/97 12:12:02 PM	Jasso-Rotunno, Cynthia 257 8/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/06/97,02/06/97,02/06/97,0
452	02/10/97 02:55:23 PM	Cutler, Anne 24 3/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/10/97,02/10/97,02/10/97,0
418	02/10/97 03:13:52 PM	Singer, Sherry 28 2/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/10/97,02/10/97,02/10/97,0
771	02/11/97 01:14:21 PM	Kiley, Julie 16 3/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/11/97,02/11/97,02/11/97,0

NGL 00323

	Created	Name	UPDATERS	Date Revised
8570	02/12/97 10:44:13 AM	Mayock, Andrew 356 5/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/12/97,02/12/97,02/12/97,0
694	02/12/97 12:17:21 PM	Scott, Marsha 48 12/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/12/97,02/12/97,02/12/97,0
795	02/13/97 09:42:48 AM	Smith, Craig 2 3/12	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/13/97,02/13/97,02/13/97,0
3125	02/13/97 09:44:30 AM	Lavery, Christopher 299 11/97	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/13/97,02/13/97,02/13/97,0
366	02/13/97 11:11:05 AM	Dass, Lisa 147 3/98	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/13/97,02/13/97,02/13/97,0
4830	02/13/97 02:27:51 PM	Echaveste, Maria 329 1/98	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/13/97,02/13/97,02/13/97,0
8957	02/13/97 03:02:34 PM	Tarney, Marjorie 221 5/97	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/13/97,02/13/97,02/13/97,0

NGL 00324

	Created	Name	UPDATERS	Date Revised
2863	02/13/97 03:47:31 PM	Marcus, Laura 2292 3/97	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/13/97,02/13/97,02/13/97,0
483	02/18/97 09:32:38 AM	Lockhart, Joseph 32 6/98	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/18/97,02/18/97,02/18/97,0
1382	02/18/97 11:28:05 AM	Murchinson, Jonathan 1918 2/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/18/97,02/18/97,02/18/97,0
2081	02/18/97 12:10:31 PM	Moloney, Megan 327 2/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/18/97,02/18/97,02/18/97,0
2944	02/18/97 12:40:55 PM	Peterson, Michelle 156 3/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/18/97,02/18/97,02/18/97,0
142	02/18/97 01:53:30 PM	Cole, Charles 2 4/98	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/18/97,02/18/97,02/18/97,0
	02/19/97 08:27:51 AM	Ruff, Charles 5 4/98	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/19/97,02/19/97,02/19/97,0 NGL 00325

	Created	Name	UPDATERS	Date Revised
13769	02/21/97 01:37:59 PM	Janenda, Thomas 2357 3/97	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Lloyd A. Bryan/ CN = Alan R. Tarica/ CN = John E. Spriggs	02/21/97,02/21/97,02/21/97,(
1374	02/24/97 09:37:06 AM	Wayne, Christopher 124 4/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	02/24/97,02/24/97,02/24/97,(
669	02/24/97 11:04:43 AM	Breuer, Lanny 187 4/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	02/24/97,02/24/97,02/24/97,(
6867	02/26/97 10:14:14 AM	Weiner, Robert 712 3/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs	02/26/97,02/26/97,02/26/97,(
6558	02/26/97 12:15:40 PM	Socarides, Richard 742 5/97	CN = Paul F. Dagenais/ CN = Scott D. Rasmussen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs	02/26/97,02/26/97,02/26/97,(
0098	02/26/97 02:02:35 PM	Williams, Cecily 732 2/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Lloyd A. Bryan/ CN = Alan R. Tarica/ CN = John E. Spriggs	02/26/97,02/26/97,02/26/97,(
1947	02/27/97 11:24:30 AM	Croft, Caroline 552 3/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/ CN = Robert W. Haas/	02/27/97,02/27/97,02/27/97,(NGL 00326

	Created	Name	UPDATERS	Date Revised
475	02/27/97 12:58:40 PM	Filak, Carolyn 3 4/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/27/97,02/27/97,02/27/97,C
560	02/28/97 09:52:55 AM	Yeh, Irene 2 3/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = Paul F. Dagenais/ CN = John E. Spriggs/	02/28/97,02/28/97,02/28/97,C
416	02/28/97 12:52:51 PM	Imbroscio, Michael 109 6/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	02/28/97,02/28/97,02/28/97,C
2506	03/03/97 11:11:31 AM	Marr, Charles 149 8/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/03/97,03/03/97,03/03/97,C
1419	03/03/97 12:18:08 PM	Bass, Walker 623 11/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/03/97,03/03/97,03/03/97,C
5416	03/03/97 12:46:44 PM	Rice, Cynthia 482 4/97	CN = Paul F. Dagenais/ CN = Brian P. McKelg/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/03/97,03/03/97,03/03/97,C
796	03/03/97 01:16:39 PM	Emmett, Laura 2338 3/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/03/97,03/03/97,03/03/97,C

NGL 00327

	Created	Name	UPDATERS	Date Revised
507	03/04/97 09:27:58 AM	Vasquez, Terry 16 3/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/04/97,03/04/97,03/04/97,0
291	03/04/97 09:57:57 AM	Hoffin, Laura 4 3/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/04/97,03/04/97,03/04/97,0
282	03/04/97 11:32:41 AM	Rustique, Virginia 531 4/97	CN = Paul F. Dagenais/ CN = Bernardene B. Watford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/04/97,03/04/97,03/04/97,0
113	03/04/97 12:12:47 PM	Theard, Ora 55 7/97	CN = Paul F. Dagenais/ CN = Bernardene B. Watford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/04/97,03/04/97,03/04/97,0
4170	03/04/97 12:55:03 PM	Leeds, Robin 308 3/97	CN = Paul F. Dagenais/ CN = Lloyd A. Bryan/ CN = Bernardene B. Watford/ CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/04/97,03/04/97,03/04/97,0
1148	03/05/97 09:59:02 AM	Baldick, Nicholas 264 6/97	CN = Paul F. Dagenais/ CN = Bernardene B. Watford/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	03/05/97,03/05/97,03/05/97,0
8959	03/05/97 10:15:24 AM	Moore, Minyon 183 11/97	CN = Paul F. Dagenais/ CN = Brian P. McKat/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/05/97,03/05/97,03/05/97,0 NGL 00328

	Created	Name	UPDATERS	Date Revised
620	03/05/97 11:21:34 AM	Skelton, Karen 3/ 7/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	03/05/97,03/05/97,03/05/97,0
1151	03/07/97 10:30:14 AM	Nionakis, Dimitri 151 9/97	CN = Paul F. Dagenais/ CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/07/97,03/07/97,03/10/97,0
477	03/11/97 08:33:38 AM	Barclay, Barbara 5 10/97	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	03/11/97,03/11/97,03/11/97,0
427	03/11/97 11:19:23 AM	Garbacz, Catherine 22 3/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/11/97,03/11/97,03/11/97,0
525	03/11/97 11:48:33 AM	Puestow, Dawn 59 3/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/11/97,03/11/97,03/11/97,0
405	03/13/97 09:56:32 AM	Virdi, Amandeep 16 3/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/13/97,03/13/97,03/13/97,0
Dated	03/17/97 11:38:58 AM	Falk, Deborah	CN = Paul F. Dagenais/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/17/97,03/17/97,03/17/97,0

NGL 00329

	Created	Name	UPDATERS	Date Revised
2450	03/17/97 12:07:25 PM	Smith, Brian 2378 3/97	CN = Paul F. Dagenais/ CN = Scott D. Rasmussen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/ CN = Daniel J. Gunia/	03/17/97,03/17/97,03/17/97,C
48	03/17/97 01:57:13 PM	Jacarin, Marilyn 7 6/98	CN = Daniel J. Gunia/ CN = David M. Cornelissen/ CN = Bernardene B. Walford/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/17/97,03/17/97,03/18/97,C
2030	03/17/97 02:05:02 PM	Palmieri, Jennifer 250 7/97	CN = Daniel J. Gunia/ CN = Bernardene B. Walford/ CN = Richard C. Crum/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/17/97,03/17/97,03/19/97,C
380	03/18/97 11:47:26 AM	Parker, Emil 160 9/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/18/97,03/18/97,03/18/97,C
237	03/20/97 02:36:04 PM	Pasquill, Simeona 58 6/98	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/20/97,03/20/97,03/20/97,C
4888	03/25/97 09:06:48 AM	Forbes, Jeffrey 99 5/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/25/97,03/25/97,03/25/97,C
7443	03/25/97 11:42:57 AM	Lovell, Ellen 1278 5/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/25/97,03/25/97,03/25/97,C NGL 00330

Created	Name	UPDATERS	Date Revised
442 03/26/97 08:24:41 AM	Simmons, Bryan 18 4/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/26/97,03/26/97,03/26/97,0
487 03/26/97 02:51:41 PM	Hughes, David 27 2/98	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/26/97,03/26/97,03/26/97,0
8520 03/27/97 08:54:40 AM	Cutler, Lynn 390 7/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Lloyd A. Bryan/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/27/97,03/27/97,03/27/97,0
1753 03/27/97 09:54:45 AM	Alcorn, Brian 400 4/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = Daniel J. Guria/ CN = John E. Spriggs/	03/27/97,03/27/97,03/27/97,0
7820 03/27/97 02:17:03 PM	Antholis, William 3597 4/97	CN = Paul F. Dagenais/ CN = MAIL1/O = EOP CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = Daniel J. Guria/ CN = John E. Spriggs/	03/27/97,03/27/97,03/27/97,0
651 03/28/97 08:02:05 AM	Boone, Sherman 434 4/97	CN = Daniel J. Guria/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/28/97,03/28/97,03/28/97,0
7105 03/31/97 10:04:23 AM	Freedman, Thomas 290 6/97	CN = Arthur C. Caliguiran/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	03/31/97,03/31/97,03/31/97,0 NGL 00331

	Created	Name	UPDATERS	Date Revised
36	04/01/97 02:42:15 PM	Rosen, Robert 17 1/98	CN = Arthur C. Caliguiran/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/01/97,04/01/97,04/01/97,0
247	04/02/97 08:36:09 AM	Steinberg, Aviva 66 7/97	CN = Arthur C. Caliguiran/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/02/97,04/02/97,04/02/97,0
407	04/02/97 01:19:12 PM	Courtney, Kelly 16 4/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/02/97,04/02/97,04/02/97,0
537	04/04/97 09:07:30 AM	Abdulmalik, April 51 4/97	CN = Paul F. Dagenais/ CN = William R. Feezie/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = Daniel J. Gurnia/ CN = John E. Spriggs/	04/04/97,04/04/97,04/04/97,0
403	04/11/97 09:14:26 AM	Madigan, Kristin 67 6/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/11/97,04/11/97,04/11/97,0
396	04/14/97 10:48:20 AM	Delaney, Sarah 3 6/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/14/97,04/14/97,04/14/97,0
698	04/14/97 12:26:39 PM	Green, Erin 187 4/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/14/97,04/14/97,04/14/97,0 NGL 00332

	Created	Name	UPDATERS	Date Revised
572	04/18/97 09:44:28 AM	Bennett, Jacquelyn 595 4/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/ CN = Daniel J. Gunia/	04/18/97,04/18/97,04/18/97,0
180	04/18/97 02:54:31 PM	Stockham, Cheri 82 10/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/18/97,04/18/97,04/18/97,0
270	04/21/97 01:07:58 PM	Kitsos, Mary 6 10/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/21/97,04/21/97,04/21/97,0
1547	04/21/97 01:59:13 PM	Mohile, Deborah 229 5/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/21/97,04/21/97,04/21/97,0
7988	04/23/97 08:56:13 AM	Levin, Lisa 1482 5/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Lloyd A. Bryan/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/23/97,04/23/97,04/23/97,0
558	04/23/97 10:53:14 AM	Goldenbaum, Andrew 47 8/97	CN = Arthur C. Caliguiran/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/23/97,04/23/97,04/23/97,0
1361	04/23/97 05:55:54 PM	Thibadeau, Theress 284 4/97	CN = Arthur C. Caliguiran/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/23/97,04/23/97,04/23/97,0

NGL 00333

	Created	Name	UPDATERS	Date Revised
986	04/24/97 01:06:35 PM	Thoryk, Aaron 139 5/97	CN = Paul F. Dagenais/ CN = Brian P. McKelvey/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/24/97,04/24/97,04/24/97,0
4365	04/24/97 01:31:55 PM	Gibson, Jessica 1927 7/97	CN = Paul F. Dagenais/ CN = Brian P. McKelvey/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/24/97,04/24/97,04/24/97,0
1093	04/25/97 10:06:21 AM	Thurman, Sandra 790 5/97	CN = Paul F. Dagenais/ CN = Arthur C. Calliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/25/97,04/25/97,04/25/97,0
286	04/25/97 11:45:20 AM	Sullivan, Michael 234 5/97	CN = Paul F. Dagenais/ CN = Valerie G. Richter/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/25/97,04/25/97,05/01/97,0
382	04/29/97 10:45:28 AM	Gibbs, Ray 16 5/97	CN = Arthur C. Calliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/29/97,04/29/97,04/29/97,0
508	04/29/97 12:16:33 PM	Cunningham, Nelson 74 5/97	CN = Arthur C. Calliguiran/ CN = David M. Cornelissen/ CN = Daniel J. Gunia/ CN = Brian P. McKelvey/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/29/97,04/29/97,05/01/97,0
1540	04/30/97 02:01:54 PM	Hunker, Mark 78 6/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	04/30/97,04/30/97,04/30/97,0 NGL 00334

	Created	Name	UPDATERS	Date Revised
27	05/01/97 09:11:52 AM	Pacific, Catherine 4 5/98	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/01/97,05/01/97,05/01/97,0
384	05/01/97 11:00:25 AM	Wilson, Eileen 18 5/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/01/97,05/01/97,05/01/97,0
5032	05/01/97 12:59:33 PM	Cerda III, Jose 366 6/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/01/97,05/01/97,05/01/97,0
2661	05/02/97 10:13:33 AM	Lee, Malcolm 323 5/97	CN = Paul F. Dagenais/ CN = Daniel J. Gunia/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/02/97,05/02/97,05/02/97,0
379	05/02/97 11:32:28 AM	Rose, Danielle 18 5/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/02/97,05/02/97,05/02/97,0
3218	05/06/97 12:42:12 PM	Strand, Dana 1132 5/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/06/97,05/06/97,05/06/97,0
362	05/07/97 02:32:40 PM	Andreola, Melody 0	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/07/97,05/07/97,05/07/97,0

NGL 00335

	Created	Name	UPDATERS	Date Revised
900	05/12/97 10:22:40 AM	Abedin, Huma 98 6/97	CN = Arthur C. Caliguiran/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	05/12/97,05/12/97,05/12/97,0
608	05/15/97 09:24:46 AM	Pakulniewicz, Tracy 1325 5/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/15/97,05/15/97,05/15/97,0
1545	05/15/97 09:50:51 AM	Smith, Mary 235 6/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = Teresa L. Chiarito/ CN = John E. Spriggs/	05/15/97,05/15/97,05/15/97,0
5234	05/19/97 07:59:55 PM	DuVal, Fred 37 9/97	CN = Arthur C. Caliguiran/ CN = Lloyd A. Bryan/ CN = Alan R. Tarica/ CN = Scott D. Rasmussen/ CN = John E. Spriggs/	05/19/97,05/19/97,05/19/97,0
454	05/20/97 02:04:55 PM	Lieber, David 157 5/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/20/97,05/20/97,05/20/97,0
1117	05/21/97 08:33:40 AM	Torrey, Serena 570 11/97	CN = Paul F. Dagenais/ CN = Brian P. McKaig/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/21/97,05/21/97,05/21/97,0
332	05/21/97 10:51:20 AM	Faulkner, Amara 2 7/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/21/97,05/21/97,05/21/97,0

NGL 00336

	Created	Name	UPDATERS	Date Revised
1958	05/21/97 10:55:00 AM	Redington, Rachel 1179 5/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = Teresa L. Chiaritto/ CN = John E. Spriggs/ CN = Robert W. Haas/	05/21/97,05/21/97,05/21/97,0
0	05/21/97 10:59:12 AM	McMullen Sr., Myron 0	CN = Arthur C. Caliguiran/ CN = Brian P. McKelvey/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/21/97,05/21/97,05/21/97,0
13	05/27/97 09:07:04 AM	Lesmez, Daniel 2 4/98	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/27/97,05/27/97,05/27/97,0
975	05/27/97 09:51:00 AM	Farnsworth, Eric 10 8/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/27/97,05/27/97,05/27/97,0
3560	05/27/97 10:03:50 AM	Del Sesto, Gino 339 5/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/27/97,05/27/97,05/27/97,0
827	05/28/97 08:42:41 AM	Salazar, Ana 37 11/97	CN = Paul F. Dagenais/ CN = John E. Spriggs/ CN = Alan R. Tarica/ CN = Teresa L. Chiaritto/ CN = John E. Spriggs/	05/28/97,05/28/97,05/28/97,0
2634	05/28/97 03:10:43 PM	Feinberg, Sheelah 186 6/97	CN = Arthur C. Caliguiran/ CN = Marvin Miller/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/28/97,05/28/97,05/28/97,0 NGI.00337

	Created	Name	UPDATERS	Date Revised
228	05/29/97 02:20:44 PM	Wu, Carolyn 325 3/98	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/29/97,05/29/97,05/29/97,0
252	05/29/97 02:23:52 PM	Racine, Karl 27 5/98	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = Teresa L. Charlton/ CN = John E. Spriggs/	05/29/97,05/29/97,05/29/97,0
446	05/30/97 03:25:49 PM	Blake, Kevin 33 6/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/30/97,05/30/97,05/30/97,0
476	05/31/97 12:41:11 PM	King, Amatullah 12 6/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	05/31/97,05/31/97,05/31/97,0
324	06/02/97 08:29:11 AM	Ezzell, Matthew 5 7/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/02/97,06/02/97,06/02/97,0
365	06/03/97 12:20:45 PM	Michaud, R. 146 6/98	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/ CN = John G. Stiver/	06/03/97,06/12/97,08/19/97,0
336	06/04/97 09:55:04 AM	Gilmore, John 4 6/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/04/97,06/04/97,06/04/97,0

NGL 00338

	Created	Name	UPDATERS	Date Revised
353	06/05/97 11:42:33 AM	Helmke, Laura 0	CN = Paul F. Dagensis/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/05/97,06/05/97,06/05/97,0
3914	06/05/97 01:47:14 PM	Ibarra, Mickey 2 8/97	CN = Paul F. Dagensis/ CN = Lloyd A. Bryan/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/05/97,06/05/97,06/05/97,0
341	06/09/97 10:16:39 AM	Sandberg, Justin 4 6/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/09/97,06/09/97,06/09/97,0
383	06/09/97 10:22:22 AM	Conroy, Mary 2 7/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/09/97,06/09/97,06/09/97,0
109	06/09/97 10:25:23 AM	Hall Jr., Franklin 35 6/98	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/09/97,06/09/97,06/09/97,0
365	06/09/97 11:34:32 AM	Drengler, Dorothy 88 4/98	CN = Paul F. Dagensis/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/09/97,06/10/97,06/10/97,0
436	06/10/97 11:29:35 AM	Cohen-Peyrot, Joshua 30 6/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/10/97,06/10/97,06/10/97,0 NGL 00339

	Created	Name	UPDATERS	Date Revised
318	06/10/97 11:37:10 AM	Cepriano, Cheryl 4 6/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/10/97,06/10/97,06/10/97,0
5402	06/10/97 12:38:14 PM	Stanek, Christine 1043 6/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = Teresa L. Charlton/ CN = John E. Spriggs/	06/10/97,06/10/97,06/10/97,0
7296	06/12/97 02:44:36 PM	Velez, Iliia 1202 6/97	CN = Arthur C. Caliguiran/ CN = Robert W. Haas/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/12/97,06/12/97,06/12/97,0
907	06/13/97 03:27:13 PM	America, One 1228 12/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	06/13/97,06/13/97,06/13/97,0
856	06/16/97 01:54:10 PM	Cearley, Virginia 115 5/98	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = Daniel J. Gunia/ CN = John E. Spriggs/	06/16/97,06/16/97,08/19/97,0
7448	06/16/97 02:08:49 PM	Bachman, Robin 1252 6/97	CN = Paul F. Dagenais/ CN = Marvin Miller/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/16/97,06/16/97,06/16/97,0
315	06/19/97 09:13:47 AM	McGee, Scott 0 -	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/19/97,06/19/97,06/19/97,0 NGL 00340

	Created	Name	UPDATERS	Date Revised
556	06/19/97 09:35:53 AM	Gold, Jeremy 546 6/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/19/97,06/19/97,06/19/97,0
256	06/19/97 10:55:12 AM	Pearah, David 25 11/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/19/97,06/19/97,06/19/97,0
387	06/20/97 10:27:28 AM	Polk, Shawnrick 49 11/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = Teresa L. Chiarito/ CN = John E. Spriggs/	06/20/97,06/20/97,06/20/97,0
4467	06/20/97 01:02:43 PM	Payne, Julia 1241 6/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = Teresa L. Chiarito/ CN = John E. Spriggs/	06/20/97,06/20/97,06/20/97,0
306	06/23/97 12:44:53 PM	Jackson, Amanda 11 8/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/23/97,06/23/97,06/23/97,0
3940	06/27/97 09:48:12 AM	Corbett, Julianne 643 7/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/27/97,06/27/97,06/27/97,0
6353	06/27/97 01:29:19 PM	Roscoe, Jens 1341 7/97	CN = Paul F. Dagenais/ CN = Robert W. Haas/ CN = Alan R. Tarica/ CN = John E. Spriggs/	06/27/97,06/27/97,06/27/97,0 NGL 00341

	Created	Name	UPDATERS	Date Revised
8	06/30/97 10:55:14 AM	Clinton, William 2 12/97	CN = Daniel J. Gunia/ CN = Alan R. Tarica/	06/30/97,06/30/97,06/30/97,0
1807	07/01/97 09:16:39 AM	Milbrath, Timothy 14/15 7/97	CN = Daniel J. Gunia/ CN = Alan R. Tarica/ CN = Teresa L. Chiarito/ CN = John E. Spriggs/	07/01/97,07/01/97,07/01/97,0
10281	07/01/97 01:14:12 PM	Marshall Jr, Thurgood 11/40 7/97	CN = Paul F. Dagenais/ CN = Robert W. Haas/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/01/97,07/01/97,07/01/97,0
603	07/03/97 12:30:26 PM	Washington, Essence 44 8/97	CN = Paul F. Dagenais/ CN = Robert W. Haas/ CN = Teresa L. Chiarito/ CN = John E. Spriggs/	07/03/97,07/03/97,07/03/97,0
372	07/03/97 01:00:05 PM	Castaneda, Antonio 41 7/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/03/97,07/03/97,07/03/97,0
0	07/03/97 01:15:40 PM	Elliott, Meredith 0	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/03/97,08/19/97
320	07/03/97 02:56:03 PM	Mikuta, Julie 2 7/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/03/97,07/03/97,07/03/97,0

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Created	Name	UPDATERS	Date Revised
3/15 07/07/97 12:25:39 PM	Rosenstein, Stuart 2876 11/97	CN = Paul F. Dagensis/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/07/97,07/07/97,07/07/97,C
5692 07/07/97 03:11:44 PM	Mohib, Mona 1853 7/97	CN = Paul F. Dagensis/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/07/97,07/07/97,07/07/97,C
2976 07/09/97 12:21:43 PM	Shamir, Ruby 1260 7/97	CN = Paul F. Dagensis/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/09/97,07/09/97,07/09/97,C
589 07/10/97 01:37:44 PM	Maloney, Sean 1485 7/97	CN = Paul F. Dagensis/ CN = Alan R. Tarica/ CN = Teresa L. Chiarito/ CN = John E. Spriggs/	07/10/97,07/10/97,07/10/97,C
326 07/10/97 03:00:19 PM	Wong, Vivian 2 7/97	CN = Paul F. Dagensis/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/10/97,07/10/97,08/19/97
323 07/10/97 03:18:22 PM	Flug, Jacqueline 2 7/97	CN = Paul F. Dagensis/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/10/97,07/10/97,07/10/97,C
321 07/11/97 08:31:36 AM	Peng, Mei 0 -	CN = Paul F. Dagensis/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/11/97,07/11/97,07/11/97,C

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	Created	Name	UPDATERS	Date Revised
320	07/11/97 09:07:40 AM	Garrison, Lorrain 2 7/97	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	07/11/97,07/11/97,07/11/97,C
322	07/11/97 09:48:49 AM	Callender, Sharonda 2 7/97	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	07/11/97,07/11/97,07/11/97,C
887	07/14/97 10:10:46 AM	Weiss, Lowell 142 8/97	CN=Paul F. Dagenais/ CN=Scott D. Rasmussen/ CN=Alan R. Tarica/ CN=Teresa L. Chiarito/ CN=John E. Spriggs/	07/14/97,07/14/97,07/14/97,C
67	07/14/97 10:38:42 AM	Allen, Jeannetta 8 6/98	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	07/14/97,07/14/97,07/14/97,C
334	07/14/97 02:14:28 PM	Kaplan, Jordan 4 7/97	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	07/14/97,07/14/97,07/14/97,C
370	07/18/97 11:35:38 AM	Schubert, Noah 32 7/97	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	07/18/97,07/18/97,07/18/97,C
747474	07/18/97 12:06:40 PM	Bernal, Anthony	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	07/18/97,07/18/97,07/18/97,C

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	Created	Name	UPDATERS	Date Revised
286	07/22/97 09:26:30 AM	Right, Jonathan 0	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = Teresa L. Chianco/ CN = John E. Spriggs/	07/22/97,07/22/97,07/22/97,0
294	07/22/97 11:11:55 AM	Browning, Lyndsey 0	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/22/97,07/22/97,07/22/97,0
308	07/22/97 02:57:48 PM	Sawyer, Susan 2 8/97	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/22/97,07/22/97,07/22/97,0
335	07/24/97 10:56:42 AM	Bourque, Emily 4 8/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/24/97,07/24/97,07/24/97,0
312	07/24/97 11:00:11 AM	Burkett, Maxine 2 8/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/24/97,07/24/97,07/24/97,0
309	07/24/97 11:03:21 AM	Lum, Richard 0	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/24/97,07/24/97,07/24/97,0
1617	07/24/97 02:40:39 PM	Martin, Tanya 425 7/97	CN = Paul F. Dagenais/ CN = Marvin Miller/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/24/97,07/24/97,07/24/97,0

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	Created	Name	UPDATERS	Date Revised
261	07/24/97 03:49:23 PM	Martin, Demond	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = Teresa L. Chiarito/ CN = John E. Spriggs/	07/24/97,07/24/97,07/24/97,C
319	07/24/97 03:52:29 PM	Roberts, William 41 10/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/24/97,07/24/97,07/24/97,C
9158	07/24/97 04:00:57 PM	Tanden, Neera 2102 7/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = Teresa L. Chiarito/ CN = John E. Spriggs/	07/24/97,07/24/97,07/24/97,C
87	07/25/97 09:47:17 AM	Conk, Mary 0	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/25/97,07/25/97,07/25/97,0
821	07/28/97 10:15:05 AM	Ho, Deborah 141 10/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/28/97,07/28/97,07/28/97,0
37	07/29/97 11:41:55 AM	Bezout, Carl-Emile 3 6/98	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/29/97,07/29/97,07/29/97,0
3811	07/29/97 11:44:31 AM	Adashok, Jonathan 713 8/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/29/97,07/29/97,07/29/97,0

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	Created	Name	UPDATERS	Date Revised
143	07/31/97 07:10:57 PM	Steele, Elisabeth 1665 8/97	CN = Daniel J. Gunia/ CN = Robert W. Haas/ CN = Alan R. Tarica/ CN = John E. Spriggs/	07/31/97,07/31/97,07/31/97,C
1244	08/06/97 02:05:42 PM	Summers, Todd 280 8/97	CN = Daniel J. Gunia/ CN = Alan R. Tarica/ CN = Marvin Miller/ CN = John E. Spriggs/	08/06/97,08/06/97,08/06/97,C
845	08/11/97 04:15:27 PM	Blumenthal, Sidney 126 1/98	CN = Arthur C. Caliguirani/ CN = Daniel J. Gunia/ CN = Arthur C. Caliguirani/ CN = Alan R. Tarica/ CN = John E. Spriggs/	08/11/97,08/11/97,08/12/97,C
297	08/12/97 02:34:50 PM	Secrest, Robert 0	CN = Arthur C. Caliguirani/ CN = Daniel J. Gunia/ CN = Alan R. Tarica/ CN = John E. Spriggs/	08/12/97,08/12/97,08/12/97,C
1215	08/14/97 01:36:47 PM	Esparza, Silvia 17 5/98	CN = Arthur C. Caliguirani/ CN = Alan R. Tarica/ CN = John E. Spriggs/	08/14/97,08/14/97,08/14/97,C
2729	08/15/97 09:03:37 AM	Payson, Charles 399 9/97	CN = Arthur C. Caliguirani/ CN = Lisa D. Jimney/ CN = Alan R. Tarica/ CN = Teresa L. Chiarito/ CN = John E. Spriggs/	08/15/97,08/15/97,08/15/97,C
314	08/15/97 09:08:55 AM	Manso, Christy 100 4/98	CN = Arthur C. Caliguirani/ CN = Alan R. Tarica/ CN = Teresa L. Chiarito/ CN = John E. Spriggs/ CN = John G. Stiver/ CN = Marvin Miller/	08/15/97,08/15/97,08/15/97,C

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	Created	Name	UPDATERS	Date Revised
2709	08/15/97 11:03:09 AM	MILLENNIUM 2634 8/97	CN = Daniel J. Gunia/ CN = Alan R. Tarica/	08/15/97,08/15/97,08/15/97,0
571	08/15/97 11:08:27 AM	GUESTBOOK 571 1/98	CN = Daniel J. Gunia/ CN = Alan R. Tarica/	08/15/97,08/15/97,08/19/97
915	08/18/97 03:29:53 PM	Greene, Roberta 93 8/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = Lisa D. Jimney/ CN = Alan R. Tarica/ CN = John E. Spriggs/	08/18/97,08/18/97,08/18/97,0
2236	08/19/97 09:17:57 AM	Brown, Alissa 577 8/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	08/19/97,08/19/97,08/19/97,0
283	08/19/97 02:08:17 PM	Nhan, Betty 2 9/97	CN = Arthur C. Caliguiran/ CN = Teresa L. Chiarito/ CN = John E. Spriggs/	08/19/97,08/19/97,08/19/97,0
5744	08/25/97 11:21:24 AM	Weiner, Glen 1177 9/97	CN = Arthur C. Caliguiran/ CN = Marvin Miller/ CN = John E. Spriggs/	08/25/97,08/25/97,08/25/97,1
71	08/25/97 11:24:39 AM	Begala, Paul 39 9/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	08/25/97,08/25/97,08/25/97,0

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	Created	Name	UPDATERS	Date Revised
3138	08/25/97 12:08:37 PM	Bianchi, Sarah 526 9/97	CN = Arthur C. Caliguirani/ CN = Alan R. Tarica/ CN = John E. Spriggs/	08/25/97,08/25/97,08/25/97,0
2652	08/26/97 10:35:27 AM	Jennings, Jon 905 9/97	CN = Arthur C. Caliguirani/ CN = Alan R. Tarica/ CN = John E. Spriggs/	08/26/97,08/26/97,08/26/97,0
174	08/27/97 01:48:06 PM	Caldwell, Marjorie 25 4/98	CN = Arthur C. Caliguirani/ CN = Alan R. Tarica/ CN = John E. Spriggs/	08/27/97,08/27/97,08/27/97,1
9845	09/03/97 11:55:33 AM	Orszag, Jonathan 1767 9/97	CN = Arthur C. Caliguirani/ CN = Alan R. Tarica/ CN = John E. Spriggs/	09/03/97,09/03/97,09/03/97,1
6154	09/04/97 09:05:57 AM	Bisulco, Eugenie 227 9/97	CN = Arthur C. Caliguirani/ CN = Alan R. Tarica/ CN = John E. Spriggs/	09/04/97,09/04/97,09/04/97,0
394	09/04/97 10:50:00 AM	Holewinski, Sarah 213 11/97	CN = Arthur C. Caliguirani/ CN = John E. Spriggs/	09/04/97,09/04/97,09/04/97
3741	09/05/97 09:15:50 AM	Tramontano, Karen 133 1/98	CN = Arthur C. Caliguirani/ CN = Alan R. Tarica/ CN = John E. Spriggs/	09/05/97,09/05/97,09/05/97,1 NGL 00349

	Created	Name	UPDATERS	Date Revised
382	09/05/97 09:25:15 AM	Erickson, Janelle 131 11/97	CN = Arthur C. Caliguirani/ [REDACTED] CN = Alan R. Tarica/ [REDACTED] CN = John E. Spriggs/ [REDACTED]	09/05/97,09/05/97,09/05/97,1
1398	09/05/97 09:30:27 AM	Gomez, Dario 2310 9/97	CN = Arthur C. Caliguirani/ [REDACTED] CN = Alan R. Tarica/ [REDACTED] CN = John E. Spriggs/ [REDACTED]	09/05/97,09/05/97,09/05/97,1
2429	09/05/97 03:52:28 PM	Newell, Timothy 2265 11/97	CN = Arthur C. Caliguirani/ [REDACTED] CN = Alan R. Tarica/ [REDACTED] CN = John E. Spriggs/ [REDACTED]	09/05/97,09/05/97,09/05/97,1
9002	09/08/97 09:06:33 AM	Rundlet, Peter 2170 9/97	CN = Arthur C. Caliguirani/ [REDACTED] CN = Alan R. Tarica/ [REDACTED] CN = John E. Spriggs/ [REDACTED]	09/08/97,09/08/97,09/08/97,1
2827	09/09/97 10:27:34 AM	Reynert, Nelson 667 9/97	CN = Arthur C. Caliguirani/ [REDACTED] CN = Alan R. Tarica/ [REDACTED] CN = John E. Spriggs/ [REDACTED]	09/09/97,09/09/97,09/09/97,1
2767	09/11/97 12:14:17 PM	Gerhardt, Kara 311 9/97	CN = Arthur C. Caliguirani/ [REDACTED] CN = Alan R. Tarica/ [REDACTED] CN = John E. Spriggs/ [REDACTED]	09/11/97,09/11/97,09/11/97,1
6291	09/11/97 01:48:08 PM	O'Mary, Michael 1675 9/97	CN = Paul F. Dagenais/ [REDACTED] CN = Alan R. Tarica/ [REDACTED] CN = John E. Spriggs/ [REDACTED]	09/11/97,09/11/97,09/11/97,1

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	Created	Name	UPDATERS	Date Revised
299	09/12/97 10:47:37 AM	Haynes, Audrey 115 9/97	CN = Arthur C. Caliguirani/ CN = Alan R. Tarica/ CN = John E. Spriggs/	09/12/97,09/12/97,09/12/97,1
2393	09/15/97 10:33:42 AM	Smith, Jonathan 241 7/98	CN = Arthur C. Caliguirani/ CN = Robert W. Haas/ CN = Alan R. Tarica/ CN = John E. Spriggs/	09/15/97,09/15/97,09/15/97,0
330	09/15/97 10:43:03 AM	Buckner, Jason 184 1/98	CN = Arthur C. Caliguirani/ CN = Alan R. Tarica/ CN = John E. Spriggs/	09/15/97,09/15/97,09/15/97,1
343	09/15/97 11:19:38 AM	Giola, Eric 130 9/97	CN = Arthur C. Caliguirani/ CN = Alan R. Tarica/ CN = John E. Spriggs/	09/15/97,09/15/97,09/15/97,1
2254	09/16/97 12:29:52 PM	Parker, Eleanor 500 5/98	CN = Arthur C. Caliguirani/ CN = Alan R. Tarica/ CN = John E. Spriggs/	09/16/97,09/16/97,09/16/97,1
5756	09/18/97 01:35:27 PM	Neschis, Mark 930 10/97	CN = Paul F. Dagerals/ CN = Alan R. Tarica/ CN = John E. Spriggs/	09/18/97,09/18/97,09/18/97,1
91	09/18/97 04:30:28 PM	Dinwiddie, Jacquelyn 4 2/00	CN = Arthur C. Caliguirani/ CN = John E. Spriggs/	09/18/97,09/18/97,09/18/97 NGL 00351

	Created	Name	UPDATERS	Date Revised
297	09/19/97 10:07:28 AM	Hoffman, James 19 9/97	CN = Arthur C. Caliguiran/ CN = John E. Spriggs/	09/19/97,09/19/97,09/19/97
328	09/19/97 10:12:09 AM	Gupta, Sanjay 1202 10/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	09/19/97,09/19/97,09/19/97,1
638	09/23/97 11:35:18 AM	Rodriguez Jr, Gerontimo 1094 10/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	09/23/97,09/23/97,09/23/97,1
725	09/23/97 11:39:45 AM	Wooden, Dawn 377 10/97	CN = Arthur C. Caliguiran/ CN = Lloyd A. Bryan/ CN = John E. Spriggs/	09/23/97,09/23/97,09/23/97,0
898	09/26/97 08:11:34 AM	Apuzzo, Virginia 53 10/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	09/26/97,09/26/97,09/26/97,1
378	10/03/97 10:28:22 AM	Cabe, Meredith 15 5/98	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/03/97,10/03/97,10/03/97,1
5677	10/03/97 11:46:41 AM	Spector, Stacie 134 10/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/03/97,10/03/97,10/03/97,1 NGL 00352

	Created	Name	UPDATERS	Date Revised
868	10/07/97 08:20:47 AM	Prober, Melissa 629 10/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/07/97,10/07/97,10/07/97,1
972	10/07/97 09:46:25 AM	Hinderliter, Shannon 6 4/98	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/07/97,10/07/97,10/07/97,1
3260	10/15/97 04:10:44 PM	Greenberger, Peter 671 11/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/15/97,10/15/97,10/15/97,1
906	10/15/97 04:15:15 PM	Mody, Rajiv 13 3/98	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/15/97,10/15/97,10/15/97,1
2307	10/15/97 04:20:31 PM	Smith, Brigham 208 1/98	CN = Arthur C. Caliguiran/ CN = Paul F. Dagensis/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/15/97,10/15/97,10/15/97,0
3942	10/21/97 09:17:45 AM	Shea, Maureen 75 3/98	CN = Arthur C. Caliguiran/ CN = Lloyd A. Bryan/ CN = John E. Spriggs/	10/21/97,10/21/97,10/21/97,1
589	10/21/97 09:22:32 AM	Murguia, Matthew 241 1/98	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/21/97,10/21/97,10/21/97,1 NGL 00353

	Created	Name	UPDATERS	Date Revised
776	10/25/97 01:56:21 PM	Kane, Andrea 126 11/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/25/97,10/25/97,10/25/97,1
1022	10/27/97 02:02:35 PM	Chitre, Nanda 1093 11/97	CN = Arthur C. Caliguiran/ CN = Scott D. Rasmussen/ CN = John E. Spriggs/	10/27/97,10/27/97,10/27/97,1
1884	10/29/97 09:09:13 AM	Murray, Melissa 333 11/97	CN = Arthur C. Caliguiran/ CN = Daniel J. Gunia/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/29/97,10/29/97,10/29/97,1
475	10/31/97 08:52:54 AM	Tobe, Amy 131 11/97	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/ CN = Chris A. Stevenson/	10/31/97,10/31/97,10/31/97,1
132	10/31/97 01:52:27 PM	Brenner, Joan 7 4/98	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = John E. Spriggs/	10/31/97,10/31/97,10/31/97,1
2794	11/04/97 11:42:25 AM	Farrow, Jeffrey 40 11/97	CN = Arthur C. Caliguiran/ CN = John E. Spriggs/	11/04/97,11/04/97,11/04/97
255	11/04/97 11:47:16 AM	Borgeas, Andre 4 11/97	CN = Arthur C. Caliguiran/ CN = John E. Spriggs/	11/04/97,11/04/97,11/04/97

NGL 00354

	Created	Name	UPDATERS	Date Revised
1950	11/05/97 03:41:01 PM	Fernandes, Julie 307 3/98	CN = Arthur C. Caliguirani/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/05/97,11/05/97,11/05/97,1
304	11/07/97 10:49:00 AM	Neumann, Kathleen 36 11/97	CN = Arthur C. Caliguirani/ CN = John E. Spriggs/	11/07/97,11/07/97,11/07/97
1212/97	11/12/97 10:03:42 AM	Soliz, Robert	CN = Arthur C. Caliguirani/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/12/97,11/12/97,11/12/97,1
1023	11/12/97 10:15:48 AM	Smalls, Dawn 433 1/98	CN = Arthur C. Caliguirani/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/12/97,11/12/97,11/12/97,1
587	11/19/97 09:36:51 PM	Holt, Daniel 50 5/98	CN = Daniel J. Gunia/ CN = Alan R. Tarica/ CN = John E. Spriggs/	11/19/97,11/19/97,11/19/97,1
1973	12/02/97 11:13:33 AM	Cano, Dominique 87 12/97	CN = Daniel J. Gunia/ CN = Alan R. Tarica/ CN = John E. Spriggs/	12/02/97,12/02/97,12/02/97,1
2933	12/03/97 03:27:58 PM	Lopez, Tania 437 12/97	CN = Daniel J. Gunia/ CN = Alan R. Tarica/ CN = John E. Spriggs/	12/03/97,12/03/97,12/03/97,1

NGL 00355

	Created	Name	UPDATERS	Date Revised
1533	12/04/97 07:34:15 PM	Rivera, Maritza 515 12/97	CN=Daniel J. Gunita/ CN=Chris A. Stevenson/ CN=John E. Spriggs/	12/04/97,12/04/97,12/04/97,1
3233	12/08/97 03:12:41 PM	Barreto, Brian 510 12/97	CN=Daniel J. Gunita/ CN=Alan R. Tarica/ CN=John E. Spriggs/	12/08/97,12/08/97,12/08/97,1
504	12/10/97 02:39:46 PM	Street, Carrie 39 1/98	CN=Daniel J. Gunita/ CN=Alan R. Tarica/ CN=John E. Spriggs/	12/10/97,12/10/97,12/10/97,1
5865	12/17/97 02:16:06 PM	Mayfield, Emory 419 1/98	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	12/17/97,12/17/97,12/17/97,0
308	12/23/97 11:06:55 AM	Becker, Jonathan 65 3/98	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	12/23/97,12/24/97,12/24/97,0
10	12/29/97 08:40:48 AM	Parker, Doris 0	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	12/29/97,12/29/97,12/29/97,0
92	12/29/97 09:07:44 AM	Duling, Shannon 4 3/98	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	12/29/97,12/29/97,12/29/97,0

NGL 00356

	Created	Name	UPDATERS	Date Revised
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23	12/29/97 12:14:19 PM	Arendal, Paul 4 6/98	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	12/29/97,12/29/97,12/29/97,0
778	12/29/97 12:49:08 PM	Dunn, Jason 73 1/98	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	12/29/97,12/29/97,12/29/97,0
6267	12/31/97 09:37:28 AM	Dankowski, John 398 1/98	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	12/31/97,12/31/97,12/31/97,0
3262	01/06/98 01:42:09 PM	Geisbert, Donna 685 7/98	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	01/06/98,01/06/98,01/06/98,0
189	01/08/98 12:37:42 PM	Redmond, Lauren 2 7/98	CN=Paul F. Dagenais/ CN=John E. Spriggs/	01/08/98,01/08/98,01/08/98
616	01/08/98 03:16:58 PM	Schiller, Laura 174 3/98	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	01/08/98,01/08/98,01/08/98,0 NGL 00357

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395 01/13/98 12:37:10 PM	Macy, Christine 167 1/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/	01/13/98,01/13/98,01/13/98
67 01/21/98 10:50:15 AM	Mack, Sean 4 5/98	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/21/98,01/21/98,01/21/98,0
226 01/23/98 01:04:23 PM	Arends, Wendy 131 1/98	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/23/98,01/23/98,01/23/98,0
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1510 01/27/98 10:24:54 AM	Ginsberg, Joel 152 3/98	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/	01/27/98,01/27/98,01/27/98,0

NGL 00358

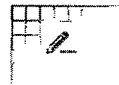
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684	02/03/98 12:18:08 PM	Charig, Gregory 943 2/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/ CN = Alan R. Tarica/	02/03/98,02/03/98,02/03/98,0
113	02/06/98 11:09:26 AM	Dennison, Richard 3 6/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/	02/06/98,02/06/98,02/06/98
176	02/06/98 11:23:21 AM	Smalls, Dontai 0	CN = Paul F. Dagenais/ CN = John E. Spriggs/	02/06/98,02/06/98,02/06/98
355	02/06/98 12:03:26 PM	Lawler, Amanda 9 4/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/	02/06/98,02/06/98,02/06/98
182	02/06/98 12:22:49 PM	Mullaney, Tom 2 7/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/	02/06/98,02/06/98,02/06/98
176	02/06/98 02:55:37 PM	Yilla, Mohammed 2 7/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/	02/06/98,02/06/98,02/06/98

NGL 00359

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181	02/09/98 11:40:53 AM	Halloran, Una 2 2/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/[REDACTED]	02/09/98,02/09/98,02/09/98
358	02/09/98 11:53:35 AM	Monie, Courtney 13 3/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/[REDACTED]	02/09/98,02/09/98,02/09/98
100	02/09/98 12:10:46 PM	Helz, Kristin 16 4/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/[REDACTED]	02/09/98,02/09/98,02/09/98
171	02/09/98 12:24:24 PM	Irgens, Theodore 3 3/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/[REDACTED]	02/09/98,02/09/98,02/09/98
87	02/09/98 12:38:08 PM	Lugash, Blake 2 5/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/[REDACTED]	02/09/98,02/09/98,02/09/98

NGL 00360

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548	02/09/98 02:20:25 PM	Curtis, David 192 3/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/[REDACTED]	02/09/98,02/09/98,02/09/98
173	02/09/98 02:33:58 PM	Leininger, Bridget 49 4/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/ CN = Alan R. Tarica/[REDACTED]	02/09/98,02/09/98,02/09/98,0
66	02/09/98 03:22:12 PM	Nickolas, Mark 6 5/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/[REDACTED]	02/09/98,02/09/98,02/09/98
578	02/09/98 03:36:07 PM	Alexander, Jeremy 24 6/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/[REDACTED]	02/09/98,02/09/98,02/09/98
16109	02/09/98 03:47:02 PM	Heller, Shawn	CN = Paul F. Dagenais/ CN = John E. Spriggs/[REDACTED]	02/09/98,02/09/98,02/09/98
174	02/10/98 08:25:26 AM	Rukin, Karen 2 4/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/[REDACTED]	02/10/98,02/10/98,02/10/98 NGL 00361



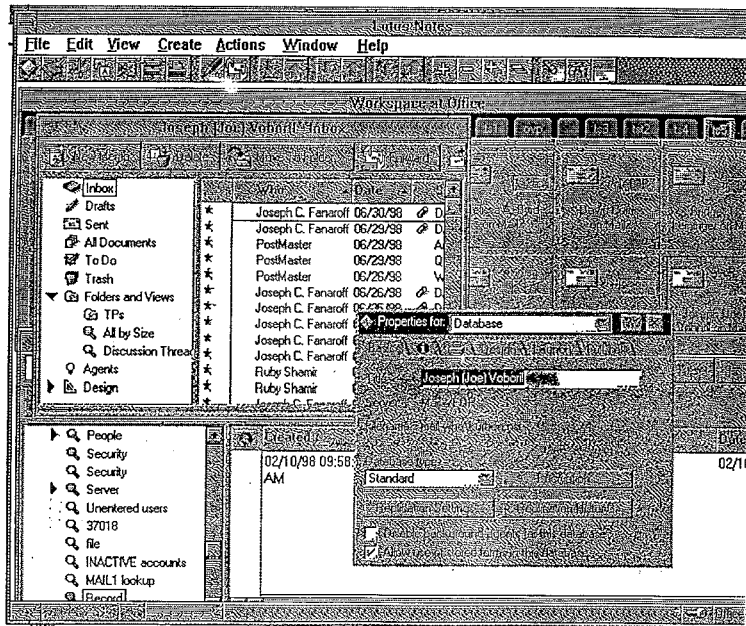
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Record Type: Record

To:

cc:

Subject:



NGL 00362

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171	02/10/98 08:56:55 AM	Belmonti, Christopher 2 2/98	CN=Paul F. Dagenais/ CN=John E. Spriggs/	02/10/98,02/10/98,02/10/98
164	02/10/98 09:12:10 AM	Townsend, Thomas	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	02/10/98,02/10/98,02/10/98,C
388	02/10/98 09:27:11 AM	Stewart, Jenna 6 6/98	CN=Paul F. Dagenais/ CN=John E. Spriggs/	02/10/98,02/10/98,02/10/98
133	02/10/98 09:58:30 AM	Urban, Kenneth 4 5/98	? Joe Volz CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	02/10/98,02/10/98,02/10/98,C
1073	02/10/98 10:01:56 AM	Katzen, Sally 196 2/98	CN=Daniel J. Gunia/ CN=Alan R. Tarica/ CN=John E. Spriggs/	02/10/98,02/10/98,02/10/98,C
909	02/10/98 10:12:57 AM	Castellani, Elizabeth 367 2/98	CN=Paul F. Dagenais/ CN=Alan R. Tarica/ CN=John E. Spriggs/	02/10/98,02/10/98,02/10/98,C

NGL 00363

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743	02/10/98 10:41:18 AM	Voeller, Joseph 459 5/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/ [REDACTED]	02/10/98,02/10/98,02/10/98
31	02/10/98 10:56:57 AM	DeGuzman Jr, Danilo 29 4/98	CN = Paul F. Dagenais/ CN = Alan R. Tarica/ CN = John E. Spriggs/ CN = Marvin Miller/ CN = Alan R. Tarica/ [REDACTED]	02/10/98,02/10/98,02/10/98,0
6	02/10/98 11:47:09 AM	Correia, Edward 2 6/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/ [REDACTED]	02/10/98,02/10/98,02/10/98
177	02/11/98 12:40:10 PM	Reidy, Grace 4 6/98	CN = Paul F. Dagenais/ CN = John E. Spriggs/ [REDACTED]	02/11/98,02/11/98,02/11/98
508	03/03/98 09:10:52 PM	Kincaid, Katherine 20 3/98	CN = Daniel J. Guria/ CN = John E. Spriggs/ CN = Daniel J. Guria/ CN = Alan R. Tarica/ [REDACTED]	03/03/98
826	04/17/98 12:16:11 PM	Mendoza, Estela 540 4/98	CN = Arthur C. Caliguiran/ CN = Alan R. Tarica/ CN = Teresa L. Chantre/ CN = John E. Spriggs/ CN = Scott E. Bussey/ CN = Marvin Miller/ [REDACTED]	04/17/98,04/17/98 NGL 00364

Created	Name	UPDATERS	Date Revised
06/16/98 11:37:11 AM	m2Haas, Robert	CN = Paul F. Dagenais/ CN = William R. Feezle/ CN = Robert W. Haas/ CN = Alan R. Tarica/ CN = John E. Spriggs/ CN = Susan P. Powell/ CN = Robert W. Haas/	06/16/98,06/16/98,06/16/98,C

Ms. NOLAN. I did discuss it with Mr. Ruff. I also believe other attorneys in my office discussed it with him.

Mr. SHAYS. And when did you do that?

Ms. NOLAN. Pardon?

Mr. SHAYS. When?

Ms. NOLAN. Attorneys in my office discussed it with Mr. Ruff, I would guess, about a month ago. I discussed it with him last week or the week before.

Mr. SHAYS. Since learning of the e-mail problem in the summer of 1998, has the White House informed the Justice Department of the problem?

Ms. NOLAN. As far as I am aware, the White House—the White House counsel's office informed the Justice Department when we provided information to the Justice Department Campaign Finance Task Force.

Mr. SHAYS. And when was that?

Ms. NOLAN. In March of this year.

Mr. SHAYS. Has the White House informed any of the independent counsels of the problem.

Ms. NOLAN. We've had discussions with several independent counsel offices, yes, sir.

Mr. SHAYS. And who are they?

Ms. NOLAN. Mr. Ray and Mr. Lancaster.

Mr. SHAYS. And when did you have discussions with them?

Ms. NOLAN. February or March of this year.

Mr. SHAYS. You can't be more precise than that?

Ms. NOLAN. I spoke with Mr. Ray's deputy the first week that I was aware of this problem. I think lawyers in my office spoke with Mr. Lancaster's office a couple of weeks later. I don't—I don't have the exact date.

We provided a written explanation to Mr. Ray's office on March 15th.

Mr. SHAYS. The e-mail problem was discovered in the summer of 1998 at the height of the independent counsel's investigation of the President. The problem was kept from the independent counsel during his investigation. Similarly, it was kept from the Congress during the impeachment debate.

Did anyone in the White House think that the e-mail problem could have real relevance to either the independent counsel's investigation or the impeachment investigation?

Ms. NOLAN. I want to make clear that as far as I know no one kept the information from anyone in the counsel's office. The independent counsel's office did not understand that there was a problem that needed to be reported. The one possible problem the counsel's office understood, they got a second search from the Office of Administration, which showed that everything had been produced, and therefore, Mr. Ruff did not believe there was anything he needed to notify any investigative body of.

Mr. SHAYS. In your statement, you draw conclusions that everything is all right, and it seems to me that you give yourself the benefit of the doubt in every instance. So when you say, when the counsel to the President, Charles Ruff, was told by OA in 1998 that there were e-mails that may not have been captured in a previous search because of technical glitches, he understood that OA would

be collecting these e-mails so that any responsive e-mail that had not been produced could be produced.

And then you say, thus, as Mr. Ruff understood the technical problem at the time, he did not think that the error had any effect on previous searches or that it might affect future searches of e-mail records. As a result, Mr. Ruff had no reason to believe there was any need to notify investigative bodies of this error.

What would have given him the reason to believe that?

Ms. NOLAN. I am reporting what Mr. Ruff has told me, and I think that he did not understand, I believe, what was communicated to him or what he understood. Whether it was a disconnect between the technical people, who understood a much more complex problem, and the lawyers, I cannot tell you exactly why.

What I can tell you is, what he understood was that there was a small—there may have been a problem, that it was fixed, there was no ongoing problem, there had been no documents not produced.

Mr. BURTON. Let me interrupt. We'll get back to you.

I want to give the balance of my time to Mr. LaTourette, and we'll get back to you, Mr. Shays, in a little bit.

Mr. LATOURETTE. Thank you, Mr. Chairman.

Good morning, Ms. Nolan, I have a series of questions that I'll attempt to ask without getting on Mr. Waxman's highlight reel today.

We had the opportunity to have the hearing last week, and a number on our first panel told us about the e-mail difficulty, and also, although there were some conflicts between witnesses and their recollections, they did pretty universally indicate that they had been told to keep this in house, quiet, not spread it around, the problem that there was a mail through the server, and eventually then the D-mail server.

Did the Office of Administration ever consult, to your knowledge, with the White House counsel's office about these instructions, this wasn't something to be discussed with others?

Ms. NOLAN. I have never heard anything that would suggest that was the case.

Mr. LATOURETTE. Second, something of the contractors from N-G last week talked about the threats of going to jail, losing their jobs, losing their security clearances, all things that were of obvious concern to them.

From your position at the White House as the White House counsel, would White House personnel have any basis for making those statements if, in fact, they were made?

Ms. NOLAN. Would White House counsel have—

Mr. LATOURETTE. No, would White House personnel. In other words, we are talking about Ms. Callahan in particular.

The allegation was, she said there's a jail cell with your name waiting on it. Is there any basis in law for that type of threat if—and I understand that she denied it—but is there any basis that you're aware of to send someone to jail for, for instance, talking to their wife about this problem? Is it a breach of some sort of national security?

Ms. NOLAN. I am not aware of any.

Mr. LATOURETTE. And I'm wondering now, as I understand the explanation that you've received from Mr. Ruff, I guess he had a meeting with Mr. Lindsay, and you're saying that Mr. Lindsay did not adequately explain it to Mr. Ruff, or explain it to Mr. Ruff in a way that he understood that this was a two-part process—one, that the stuff wasn't being captured and once you fix that problem you had to restore the stuff that hadn't been captured for over 2 years.

Is that what Mr. Ruff is telling you and, hence, us?

Ms. NOLAN. What Mr. Ruff told me was that he understood there was a problem, but it was a problem with one search, a search. He did not understand that there was a more systemic problem.

Mr. LATOURETTE. Last week Mr. Lindsay was here. He pretty clearly understands it. He knows that it was a two-part thing, one, that e-mails coming into the White House weren't captured. He worked real hard, and I think spent \$600,000 to fix that problem. He also knew and continues to know that there is this whole body of e-mails, 100,000, 200—it doesn't matter how many there are—that haven't been loaded onto the ARMs system.

Are you saying Mr. Ruff of the White House counsel's office had no comprehension that there's a series of e-mails out there somewhere that haven't been reconstructed to this day?

Ms. NOLAN. I know it now.

Mr. LATOURETTE. But what about Mr. Ruff, during the time we were asking him for documents? He's saying he just doesn't know?

Ms. NOLAN. That's right.

Mr. LATOURETTE. My historical recollection is that Mr. Ruff, I think was a prosecutor during Watergate, and I think he knew a lot about tape records and 18½-minute gaps, but maybe hasn't sort of fast-forwarded to the computer age. And that brings me to the Vice President of the United States.

Your statement also talks about the fact that the Office of the Vice President wasn't typed into the ARMS system. Is that right?

Ms. NOLAN. That's right. The Office of the Vice President was not fully tied into the ARMS system.

Mr. LATOURETTE. I'm hard to provoke. I'm one of the more mild-mannered guys on my side of the aisle, but there was an article the other day in the Washington Times about the Vice President was interviewed about this, and his quote was that, at first it says—the AP report, it says he almost dared the Republicans to continue their investigations. "I hope they spend a lot of time and energy on this," Mr. Gore said to the AP, with a confident grin as he leaned back in his armchair. That's, I think, a bad way for the guy that wants to be the President of the United States to sort of further the cause of campaign finance reform and get information before the public.

But you mentioned in your statement that you gave us last week, when you didn't come, you thought there were 28 users; now you know that there are only 24 in all, but three were created before 1997.

Who were the three created before 1997 that aren't being captured by the ARMS system today?

Ms. NOLAN. They are being captured now. As of this week they are being captured.

Mr. LATOURETTE. Including incoming e-mail?

Ms. NOLAN. No, the incoming e-mails are not being captured for the OVP.

Mr. LATOURETTE. Who are three?

Ms. NOLAN. I don't know the three accounts. I'm sorry.

Mr. LATOURETTE. So you were able to identify that there are three people that were created before 1997, but you don't—

Ms. NOLAN. There were—I think it is 21 created before 1997 and 3 after 1997.

Mr. LATOURETTE. OK. And still today—you know when you're talking about the testament, maybe we can get this thing fixed in 6 months, does that include the Office of the Vice President, or does that just include the MAIL2 and D servers?

Ms. NOLAN. I think it includes the Office of the Vice President, but I'll have to check to make sure.

Mr. LATOURETTE. And is it your understanding from the information that you have collected that the problem with the Vice President's server just came to somebody's attention last week?

Ms. NOLAN. I think it was the week before last week. I think my statement said last week.

Mr. LATOURETTE. But a couple of weeks ago?

Ms. NOLAN. A couple of weeks ago, yes.

Mr. LATOURETTE. So it's the White House counsel's testimony through you. And I know you're new at it, so we're talking about a whole range of White House counsels, but the institutional knowledge within the White House counsel's office is that the Vice President's Office was not then tied up to the ARMS system, since it was instituted at the Armstrong case, I guess is how that came about, the ARMS system. Is that right?

Ms. NOLAN. The ARMS system was developed after the Armstrong case. Of course, the Armstrong case dealt only with Federal records. These are Presidential records we are talking about now, but they were meant to be made part of the ARMS system, right.

Mr. LATOURETTE. But nobody noticed—and I understand in your testimony that Senator Thompson apparently got a couple of e-mails from the Vice President's Office—

Ms. NOLAN. He got some. I don't know how many.

Mr. LATOURETTE. But nobody said, hey, you know what, the guy that invented the Internet and his staff don't seem to be doing a lot of e-mailing; so when we get these records production requests from, be it our committee or Senator Thompson's committee, there aren't any e-mails from the Vice President of the United States? Nobody picked up on that?

Ms. NOLAN. You know, I don't know how many there were. I don't know how many were produced. So I don't know the answer to that, whether somebody would have noticed the numbers. And I do want to make clear here that it seems certainly from the testimony I'm aware of from last week that the technical people, the Northrop Grumman people, knew who was and was not on the ARMS system, but the lawyers doing the searches did not.

Mr. LATOURETTE. Maybe the explanation for why nobody noticed the fact that there weren't any e-mails from the Vice President during this time period, in that same interview with the AP, he was asked how much he used his e-mail during the 1996 reelection

campaign, and he said, "Didn't." He was pressed to go on, and he said just, "Didn't." So maybe we're looking for stuff that isn't there, because again the Vice President of the United States indicated that he didn't send any e-mails in 1996. So when we reconstruct his office, we are not going to find them anyway.

Just as the yellow light goes on, the White House counsel's position is that, as far as you're concerned, or Mr. Ruff was concerned, there was no delay in reconstructing these tapes because you didn't think there was any need to because you thought the problem was fixed, the White House counsel thought the problem was fixed, and if not fixed, everything that came up in this manual search by Mr. Haas was duplicative of stuff you had sent us before.

So no big deal was the position at that time; it wasn't a problem?

Ms. NOLAN. Yeah. I don't think "no big deal" is the right characterization. I don't think that the counsel's office understood there was any problem, not that it minimized it.

Mr. LATOURETTE. Thank you very much. Thank you, Mr. Chairman.

Mr. BURTON. My time has expired.

Mr. Waxman.

Mr. WAXMAN. Thank you. Just to followup on a point Mr. LaTourette asked you about, and that was how many e-mails were produced from the White House regarding Senator Gore's—Vice President Gore—excuse me, how many e-mails were produced from the White House to Senator Thompson's investigation about Vice President Gore. I think you should be able to get that information, and I wonder if you can ask somebody to get that information to us perhaps before the end of today's hearing?

Ms. NOLAN. I will certainly try to do that.

May I say something about that, too?

Mr. WAXMAN. Yes.

Ms. NOLAN. Which is that there are a number of ways that OVP e-mail can be produced or could have been produced by searches of individual servers, because they had been forwarded to an ARMS-managed account, because someone had retained a hard copy. So I just wanted to make that clear in response to Mr. LaTourette's question about the Vice President e-mail—Office of Vice President e-mail.

Mr. WAXMAN. Well, I appreciate what you are saying, but it is something within your control, and I think you can certainly produce it for us.

Ms. NOLAN. Certainly. We will try to get the number for you so that we know what it is.

Mr. WAXMAN. Now, I appreciate both of you being here, and I think that you can help to clear up one of the central questions that has been raised today, which is, what did the White House know about these e-mails and what did they do about them? The panel from Northrop, computer experts who testified last week, told us that the technical problems that prevented e-mails from being properly stored were the result of accidental mistakes made by government contractors, and I'd like to ask you about this.

Ms. Nolan, were the problems with the White House e-mail system the result of technical computer glitches or were they intentional problems?

Ms. NOLAN. It is my understanding that everyone agrees they were technical glitches.

Mr. WAXMAN. Do you have any knowledge that the problems were the result of a deliberate effort to hide e-mail from Congress or from other investigative bodies?

Ms. NOLAN. I have no such knowledge.

Mr. WAXMAN. I know that this committee has made numerous requests to the White House for documents relating to the campaign finance investigation. The White House has produced over 90,000 pages of documents concerning campaign finance inquiries from this committee alone.

What resources has the White House devoted to responding to requests from this committee?

Ms. NOLAN. The White House, to respond to requests from this committee, has used a number of lawyers, the resources of lawyers, the resources of paralegals, the IS&T resources in doing the ARMS searches. The Office of Records and Management does searches for us. We really call in a number of components of the Executive Office of the President. Of course, we send a directive to people within the complex to search their own files.

So I don't have a number, but it's an extensive amount of resources in order to produce documents, videotapes, audiotapes, provide witnesses.

Mr. WAXMAN. Well, let me point out to you that I was curious about how much money might have been spent on this whole inquiry. You've given us 90,000 pages of documents, just to this committee, and there are other committees and other investigators. So in 1998 I asked the General Accounting Office to examine the cost to Federal agencies of congressional campaign finance inquiries. GAO asked executive agencies to provide information on campaign finance inquiries received from October 1, 1996, to March 31, 1998, and according to the responses to this GAO survey, White House employees had spent over 55,000 hours responding to congressional campaign finance inquiries at a personnel cost of over \$2 million. That's the equivalent of 25 White House employees doing nothing for a year except responding to campaign finance inquiries, and I'd like to enter this GAO report that I have had prepared into the record, and a related minority staff report on the cost of congressional campaign finance investigations as well.

Mr. Chairman, I ask unanimous consent to place this in the record.

Mr. BARR [presiding]. And what is that?

Mr. WAXMAN. This is a minority staff report as well as the General Accounting Office report on the amount of money spent in responding to these investigatory inquiries.

Mr. BARR. Without objection.

[The information referred to follows:]



United States
General Accounting Office
Washington, D.C. 20548

Accounting and Information
Management Division

B-279501

September 29, 1998

The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform and Oversight
House of Representatives

The Honorable Gary A. Condit
House of Representatives

Subject: Campaign Finance: Congressional Inquiries and Related Costs

This letter responds to your request that we obtain data from executive branch agencies on campaign finance inquiries made by the Congress. Specifically, you requested that we gather data on the number of inquiries received from October 1, 1996, through March 31, 1998, that related to campaign finance practices during the 1992, 1994, and 1996 congressional and presidential elections. You also asked that we gather data on the costs agencies incurred in responding to these inquiries.

Enclosure 1 provides the data agencies reported to us on the number of inquiries and costs. We found that agencies generally did not track the costs associated with these inquiries, and, accordingly, the data are based on estimates. Further, the determination as to whether an inquiry was related to campaign finance practices was solely that of the agency. As a result, we were unable to audit this data.

We developed a data collection instrument and sent it to 148 agencies.¹ We asked each agency to consolidate the data from all of its affected components and provide us with an agencywide response. We allowed Inspectors General to respond independently from their agencies. We received responses from 116

¹We developed the list of agencies surveyed using the Budget of the United States Government, Fiscal Year 1998, The United States Government Manual 1997/98, and Carroll's Federal Directory November/December 1997.

B-279501

agencies, of which 21 reported that they had received campaign finance inquiries from the Congress.² Enclosure 2 lists the 148 agencies surveyed.

As agreed with your offices, unless you publicly announce the contents of this letter earlier, we plan no further distribution until 10 days from the date of this letter. At that time, we will send copies to the Chairman of the House Committee on Government Reform and Oversight and the Chairman and Ranking Minority Member of the Senate Committee on Governmental Affairs. Copies will also be made available to others upon request. Please contact me at (202) 512-9489 if you or your staff have any questions about this letter.



Theodore C. Barreaux
Associate Director, Audit Oversight and Liaison

Enclosures

²We received a response from both the agency and the Inspector General for 6 of the 21 agencies responding and 1 response from the Inspector General of the Corporation for National Service. We received 11 separate responses from the Executive Office of the President.

ENCLOSURE 1

ENCLOSURE 1

NUMBER OF CAMPAIGN FINANCE INQUIRIES AND COSTS REPORTED (UNAUDITED)

Agency	Number of inquiries reported	Costs reported
Executive Office of the President		
White House Office	332*	\$2,059,307.17
Council of Economic Advisers		\$2,322.00
U.S. Trade Representative	10	\$106,700.00 ^e
Office of National Drug Control Policy		\$8,290.00
Office of Administration		\$2,075,905.00
Office of the Vice President		\$130,845.36
Office of Science and Technology Policy	2*	\$2,993.00
Office of Management and Budget		\$30,467.00
National Security Council	3	\$142,808.00
President's Foreign Intelligence Advisory Board		\$659.69
Council on Environmental Quality		\$2,468.21
Department of Commerce		
Agency	118*	\$2,432,012.00
Inspector General	12	\$29,730.00
Department of Defense	122*	\$105,958.00
Department of Energy		
Agency	47*	^{b, c, d}
Inspector General	6*	\$10,861.90
Department of Housing and Urban Development		
Agency	3	\$10,796.00 ^d
Inspector General	1	^{b, c, d}
Department of the Interior	26*	\$266,822.53
Department of Justice (including the FBI)	253*	\$337,290.00 ^d
Department of Labor	2	\$1,159.44
Department of State	65*	\$1,816.50 ^b
Department of the Treasury		
Agency	44*	\$241,511.15 ^d
Inspector General	2*	\$298.20
Environmental Protection Agency	1	\$155.32 ^e
General Services Administration	2*	\$233,549.77
Office of Personnel Management	2	\$10,837.10

ENCLOSURE 1

ENCLOSURE 1

Agency	Number of inquiries reported	Costs reported
Small Business Administration		
Agency	2	\$30,672.00
Inspector General	2	\$210.00
Central Intelligence Agency	46 ^a	b, c, d
Export-Import Bank of the U.S.	14 ^a	\$143,662.00
Federal Deposit Insurance Corporation		
Agency	17 ^a	\$278,846.60
Inspector General	1	\$5,894.00
Federal Election Commission	13	\$44,125.60
National Archives and Records Administration	4	\$4,035.00
National Indian Gaming Commission	1	\$3,955.00
U.S. Consumer Product Safety Commission	1	\$9.25 ^{b, c}
Corporation for National Service - Inspector General	2 ^a	\$10,780.57
Total reported	1,156	\$8,767,753.36

^aOral communications such as meetings and interviews were included.

^bPersonnel costs not provided.

^cDocument reproduction costs not provided.

^dDocument delivery costs not provided.

ENCLOSURE 2

ENCLOSURE 2

AGENCIES SURVEYED

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Health and Human Services
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of State
Department of Transportation
Department of the Treasury
Department of Veterans Affairs
Environmental Protection Agency
Federal Emergency Management Agency
General Services Administration
National Aeronautics and Space Administration
National Science Foundation
Office of Personnel Management
Small Business Administration
Social Security Administration
Agency for International Development
Nuclear Regulatory Commission
Central Intelligence Agency
Executive Office of the President

ENCLOSURE 2

ENCLOSURE 2

Federal Bureau of Investigation
Advisory Council on Historic Preservation
Appalachian Regional Commission
Architectural and Transportation Barriers Compliance Board
Arms Control and Disarmament Agency
Barry M. Goldwater Scholarship and Excellence in Education Foundation
Christopher Columbus Fellowship Foundation
Commission of Fine Arts
Commission on Civil Rights
Committee for Purchase from People Who are Blind or Severely Disabled
Commodity Futures Trading Commission
Corporation for National Service
Corporation for Public Broadcasting
Defense Nuclear Facilities Safety Board
Equal Employment Opportunity Commission
Export-Import Bank of the United States
Farm Credit Administration
Farm Credit System Financial Assistance Corporation
Farm Credit System Insurance Corporation
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Election Commission
Federal Financial Institutions Examination Council
Federal Housing Finance Board
Federal Labor Relations Authority
Federal Maritime Commission
Federal Mediation and Conciliation Service
Federal Mine Safety and Health Review Commission

ENCLOSURE 2

ENCLOSURE 2

Federal Retirement Thrift Investment Board
Federal Trade Commission
Harry S. Truman Scholarship Foundation
Institute of American Indian and Alaska Native Culture and Arts Development
Inter-American Foundation
International Trade Commission
James Madison Memorial Fellowship Foundation
Japan-U.S. Friendship Commission
Legal Services Corporation
Marine Mammal Commission
Merit Systems Protection Board
Morris K. Udall Foundation
National Archives and Records Administration
National Capital Planning Commission
National Council on Disability
National Credit Union Administration
National Education Goals Panel
National Endowment for the Arts
National Endowment for the Humanities
National Labor Relations Board
National Mediation Board
National Transportation Safety Board
Neighborhood Reinvestment Corporation
Nuclear Waste Technical Review Board
Occupational Safety and Health Review Commission
Office of Navajo and Hopi Indian Relocation Commission
Office of Special Counsel
Ounce of Prevention Council

ENCLOSURE 2

ENCLOSURE 2

Panama Canal Commission
 Pension Benefit Guaranty Corporation
 Railroad Retirement Board
 Securities and Exchange Commission
 Smithsonian Institution
 Tennessee Valley Authority
 United Mine Workers of America Benefit Funds
 United States Enrichment Corporation
 United States Holocaust Memorial Council
 United States Information Agency
 United States Institute of Peace
 United States Office of Government Ethics
 United States Postal Service
 U.S. Consumer Product Safety Commission
 U.S. Court of Veterans Appeals
 U.S. National Commission on Libraries and Information Science
 U.S. Trade and Development Agency
 Administrative Committee of the Federal Register
 Advisory Commission on Intergovernmental Relations
 African Development Foundation
 Board of Governors of the Federal Reserve System
 Citizen's Stamp Advisory Committee
 Committee on Foreign Investment in the United States
 Committee for the Implementation of Textile Agreements
 Coordinating Council on Juvenile Justice and Delinquency Prevention
 Delaware River Basin Commission
 Endangered Species Committee
 Export Administration Review Board

ENCLOSURE 2

ENCLOSURE 2

Federal Financing Bank
 Federal Home Loan Mortgage Corporation
 Federal Interagency Committee on Education
 Federal Laboratory Consortium for Technology Transfer
 Federal Library and Information Center Committee
 Federal National Mortgage Association
 Illinois and Michigan Canal National Heritage Corridor Commission
 Indian Arts and Crafts Board
 Institute of Museum and Library Services
 Interagency Committee on Employment of People with Disabilities
 International Bank for Reconstruction and Development
 International Monetary Fund
 J. William Fulbright Foreign Scholarship Board
 Joint Board for the Enrollment of Actuaries
 Migratory Bird Conservation Commission
 Mississippi River Commission
 National Academy of Sciences
 National Indian Gaming Commission
 National Institute of Arthritis and Musculoskeletal and Skin Diseases
 National Occupational Information Coordinating Committee
 National Park Foundation
 National Railroad Passenger Corporation (AMTRAK)
 Northwest Power Planning Council
 Peace Corps
 Permanent Committee for the Oliver Wendell Holmes Devise
 Postal Rate Commission
 President's Council on Integrity and Efficiency
 President's Foreign Intelligence Advisory Board

ENCLOSURE 2

ENCLOSURE 2

Prospective Payment Assessment Commission
 State Justice Institute
 Susquehanna River Basin Commission
 Textile Trade Policy Group
 The American Battle Monuments Commission
 Thrift Depositor Protection Oversight Board
 Trade Policy Committee
 U.S. Arctic Research Commission
 Veterans Day National Committee
 White House Commission on Presidential Scholars

Source: Budget of the United States Government, Fiscal Year 1998, The United States Government Manual 1997/98, and Carroll's Federal Directory November/December 1997.

(911836)

The Cost of Congressional Campaign Finance Investigations to the U.S. Taxpayer

**Minority Staff Report
Committee on Government Reform and Oversight
U.S. House of Representatives**

October 7, 1998

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EXECUTIVE SUMMARY

The Government Reform and Oversight Committee minority staff estimates that the cost to taxpayers of the congressional campaign finance investigations conducted during the 105th Congress totals more than \$23 million. This includes at least \$8.7 million spent by executive branch agencies responding to congressional requests for information and at least \$14.6 million spent by congressional committees conducting the investigations.

At the request of Ranking Member Henry A. Waxman and Rep. Gary A. Condit, the General Accounting Office (GAO) conducted a survey of executive branch agencies to determine the costs that the congressional campaign finance investigations imposed on the federal agencies. The resulting GAO letter report, which is being released simultaneously with this staff report, shows that (1) federal agencies received 1,156 information requests from congressional campaign finance investigations between October 1, 1996, and March 31, 1998, and (2) these agencies reported spending \$8,767,753.36 responding to these requests through March 31, 1998.

The number of requests and costs varied from agency to agency. According to the GAO survey, the Executive Office of the President reported the most requests (347) and the highest costs to the taxpayers (\$4.5 million). Other agencies reporting high costs to the taxpayer included the Department of Commerce (\$2.4 million), the Department of Justice (\$337,000), the Federal Deposit Insurance Corporation (\$279,000), the Department of the Interior (\$266,000), and the Department of the Treasury (\$241,000).

In addition to these federal agency costs, the minority staff estimates that Congress has spent at least \$14.6 million conducting multiple campaign finance investigations. The single most expensive congressional investigation is the investigation by the House Government Reform and Oversight Committee, which has cost taxpayers over \$7.4 million to date. Besides the \$7.4 million spent by the House Government Reform and Oversight Committee, the Senate Governmental Affairs Committee spent \$3.5 million on its campaign finance investigation; the House authorized \$1.2 million for the Education and the Workforce Committee's inquiry into campaign finance abuses related to the Teamsters; and the House authorized \$2.5 million for a select committee (the Cox Committee) to investigate allegations that the Clinton administration gave missile technology to China in exchange for campaign contributions.

These four congressional committees -- the House Government Reform Committee, the Senate Governmental Affairs Committee, the House Education and the Workforce Committee, and the Cox Committee -- are not the only congressional committees that have investigated alleged campaign finance abuses in the 105th Congress. The executive branch agencies also received requests from at least 18 other congressional committees. Some of these other committees, such as the House Commerce Committee, held extensive hearings on alleged campaign finance abuses. This report, however, does not estimate the cost to the taxpayers of the investigations by these other committees. If these additional costs were included, the total congressional costs would undoubtedly far exceed \$14.6 million.

As this report illustrates, the money used to pay for the congressional campaign finance investigations could have been put to other uses. For example, this money could have been spent

to provide 12 million school lunches to poor children or used to hire over 800 police officers to fight crime.

This report on the costs and burdens of congressional campaign finance investigations has three parts. Part I analyzes the \$8.7 million spent by federal executive branch agencies responding to congressional requests. Part II summarizes the \$14.6 million already spent or authorized for the duplicate congressional investigations. And Part III looks at what \$23.3 million in federal funds could provide in needed government programs.

I. COSTS TO FEDERAL AGENCIES

The congressional investigations into campaign finance abuses have placed a heavy burden on the federal government. In an effort to determine the costs and burdens of the campaign finance investigation, Rep. Henry Waxman and Rep. Gary Condit asked the General Accounting Office (GAO) to conduct a survey of the executive agencies.¹ The request asked GAO to "identify the number of Congressional inquiries made and the related costs incurred by those agencies."²

The GAO survey asked 148 executive agencies to provide information on campaign finance inquiries received from October 1, 1996 -- the time the first allegations of campaign finance abuses arose -- through March 31, 1998.³ The agencies were asked the following questions about congressional campaign finance requests: how many written inquiries were received from Congress; how many agency officials testified before Congress; how many additional oral communications the agency had with Congress; actual or estimated personnel costs associated with responding to the congressional inquiries; actual or estimated pages of documents submitted in response to the congressional inquiries and the reproduction and delivery costs; the cost of any outside contractors used to respond to the congressional inquiries; and to what extent the agency encountered duplication among the congressional requests. The survey also gave the agencies the opportunity to describe any problems or other comments regarding the inquiries.

GAO found that 21 executive agencies reported receiving 1,156 campaign finance inquiries from Congress during those eighteen months.⁴ This means that federal agencies received, on average, three congressional inquiries each working day during the period surveyed by GAO. The costs of responding to these requests reported by the agencies totaled \$8,767,753.36.⁵ Table 1 shows the number of congressional requests to federal agencies and the costs incurred responding to these requests, as compiled by GAO.⁶ The actual costs, however,

¹Letter from Reps. Henry Waxman and Gary Condit to Acting Comptroller General of the United States James F. Hinchman (February 3, 1998).

²*Id.*

³*GAO Survey of Executive Branch Cost to Respond to Congressional Campaign Finance Inquiries (June 23, 1998).*

⁴Letter from Associate Director, Audit Oversight and Liaison, Theodore C. Barreaux to Rep. Waxman and Rep. Condit (September 29, 1998).

⁵*Id.*

⁶The table includes 28 entries, including: responses from 21 agencies, of which 6 also submitted responses from the offices of the Inspectors General, and a response from the Inspector General office of the Corporation for National Service.

Table 1: Inquiries and Costs Reported By Federal Agencies

AGENCY	NUMBER OF INQUIRIES REPORTED	COSTS REPORTED
Executive Office of the President	347	\$ 4,562,765.43
Department of Commerce	118	\$ 2,432,012.00
Department of Justice (including FBI)	253	\$ 337,290.00
Federal Deposit Insurance Corporation	17	\$ 278,846.60
Department of the Interior	26	\$ 266,822.53
Department of the Treasury	44	\$ 241,511.15
General Services Administration	2	\$ 233,549.77
Export-Import Bank	14	\$ 143,662.00
Department of Defense	122	\$ 105,958.00
Federal Election Commission	13	\$ 44,125.60
Small Business Administration	2	\$ 30,672.00
Department of Commerce Inspector General	12	\$ 29,730.00
Department of Energy Inspector General	6	\$ 10,861.90
Office of Personnel Management	2	\$ 10,837.10
Department of Housing and Urban Development	3	\$ 10,796.00
Corporation for National Service Inspector General	2	\$ 10,780.57
FDIC Inspector General	1	\$ 5,894.00
National Archives and Records Administration	4	\$ 4,035.00
National Indian Gaming Commission	1	\$ 3,955.00
Department of State	65	\$ 1,816.50
Department of Labor	2	\$ 1,169.44
Department of the Treasury Inspector General	2	\$ 298.20
SBA Inspector General	2	\$ 210.00
Environmental Protection Agency	1	\$ 155.32
Consumer Product Safety Commission	1	\$ 9.25
Department of Energy	47	N/A
Central Intelligence Agency	46	N/A
HUD Inspector General	1	N/A
TOTAL	1,156	\$ 8,767,753.36

are likely to be even higher than the figure reported by GAO, because the GAO figure does not include costs incurred for requests received after March 31, 1998, and does not include various personnel costs, document reproduction costs, or delivery costs not reported by certain agencies.⁷ The minority staff analyzed the responses to the GAO survey filed by the federal agencies.

The agency responses show that (1) the federal agencies spent over 150,000 hours responding to congressional campaign finance inquiries; (2) the federal agencies provided over

⁷*Id.*, enclosure 1 (footnotes). For example, the Department of Energy, which received 47 congressional requests and produced 43,340 pages of documents, did not provide GAO with personnel costs, document reproduction costs, or document delivery costs related to those requests. Similarly, the State Department, which reported spending 3,386 hours responding to 65 requests, did not provide GAO with its personnel costs.

2.1 million pages of documents to Congress in response to these inquiries; and (3) 18 of the 21 agencies reported that the congressional inquiries were duplicative.

The responses received by the GAO from the individual agencies are available for public review in the offices of the minority staff.

A. Executive Office of the President

The Executive Office of the President (EOP), which consists of eleven separate offices,⁸ reported receiving 347 requests and expending over \$4.5 million responding to these requests. The House Government Reform and Oversight Committee itself issued 13 subpoenas and 102 document requests to the EOP, and required 42 EOP officials to testify on 48 separate occasions. The Senate Governmental Affairs Committee issued four subpoenas and 86 document requests to the EOP, and required 57 EOP officials to testify on 67 separate occasions.

In total, 1,464 EOP staff spent over 55,000 hours responding to these requests at a personnel cost of over \$2 million. The EOP produced 405,987 pages of documents, 370 videotapes, 480 audiotapes, and six computer tapes to Congress. The EOP reported that “congressional committees often duplicated each other’s inquiries” and that the duplication was “very great.” The Office of the Vice President, for example, noted that “[t]he document requests from the House Committee on Government Reform and Oversight were almost entirely duplicative of the document requests received from the Senate Committee on Governmental Affairs.”

B. Department of Commerce

The Commerce Department reported receiving 118 congressional requests and expending over \$2.4 million responding to those requests.⁹ Overall, Commerce Department personnel spent 54,618 hours answering these requests, including almost 47,000 hours spent by senior executives or other senior staff (pay grade of GS-10 or higher). The resulting personnel costs totaled nearly \$1.9 million. The Commerce Department produced 950,000 pages of documents.

According to the Commerce Department, “There was a great level of similarity among the Congressional campaign finance inquiries. This resulted in a substantial duplication and overlap of the records sent to the various committees. . . . [R]esponding to the many Congressional inquiries that the Department received required a major effort and required the

⁸These offices include the White House Office, Council of Economic Advisers, U.S. Trade Representative, Office of National Drug Control Policy, Office of Administration, Office of the Vice President, Office of Science and Technology Policy, Office of Management and Budget, National Security Council, President’s Foreign Intelligence Advisory Board, and Council on Environmental Quality.

⁹The Commerce Department Inspector General received 12 additional requests and spent \$29,730 responding to those requests.

redirection of resources normally devoted to conducting normal program activities.”

C. Department of Justice

The Department of Justice received 253 congressional requests and expended \$337,300 responding to these requests. The inquiries included one subpoena and 75 additional requests for information from members of the House Government Reform and Oversight Committee and 12 requests from senators on the Senate Governmental Affairs Committee. In addition, seven Justice Department officials testified a total of 23 times before Congress.

In total, 148 Justice Department personnel spent 11,368 hours responding to the requests at a personnel cost of \$334,000. The Justice Department produced 59,120 pages of documents.

D. Federal Deposit Insurance Corporation

The Federal Deposit Insurance Corporation received 17 congressional requests in connection with congressional campaign finance inquiries and spent \$278,800 responding to these requests.¹⁰ The inquiries included one subpoena and two document requests from the House Government Reform and Oversight Committee and one subpoena from the Senate Governmental Affairs Committee.

FDIC was required to survey 46 employees for responsive documents at an estimated personnel cost of \$230,000. FDIC also spent over \$32,000 to hire four temporary contractors for 259 work days to assist in the production of 81,212 pages of documents.

FDIC reported that “the requests from the various committees were nearly identical.” FDIC also expressed serious concerns about providing confidential information to the committees:

Public disclosure of such highly confidential information carries the risk of interfering with investigations, invading customer privacy, disrupting supervisory operations and threatening the financial integrity of a Federally-insured depository institution. The FDIC is extremely concerned about the difficulty of maintaining confidentiality in investigations of this kind. Indeed, sensitive information from a pending bank examination was reprinted in the press. This resulted in the bank seeking to have the examination team removed, and threatened to disrupt a pending enforcement action.

E. Department of the Interior

The Department of the Interior responded to 26 campaign finance requests at a cost to the agency of \$266,800. This included one subpoena and three document requests from the House Government Reform and Oversight Committee, one subpoena and three document requests from

¹⁰The FDIC Inspector General also received one request and reported expending \$5,894 responding to that request.

the House Resources Committee, and one document request from the Senate Governmental Affairs Committee.

In total, 94 Interior Department employees spent over 4,200 hours responding to the requests at a cost of \$229,000. Interior submitted 234,953 pages of documents to Congress and spent an additional \$4,000 on outside contractors to index the documents as required by Government Reform and Oversight Committee.

The requests to the Interior Department were highly duplicative, and congress committees refused to coordinate their requests to reduce the burden despite the agency's plea to do so. According to the Interior Department response:

Six of the nine requests . . . involved documents related to the Hudson Dog Track. These requests came from both Senate and House Committees. In instances where we suggested one of those Committees refer to the documents provided earlier to another committee, the Committee insisted on our reproducing masses of documents again and sending them to the Committee. The November 25, 1997, request and the December 9, 1997, subpoena from the House Resources Committee requested documents already provided to the House Committee on Government Reform and Oversight. Upon inquiry as to whether the Committee could use the documents already provided, we were told to supply the documents again because the committee had a right to them.

F. Department of the Treasury

The Department of the Treasury reported receiving 44 information requests¹¹ and spending \$241,500 responding to those requests. The inquiries included 25 document requests from the House Government Reform and Oversight Committee and three subpoenas and eight document requests from the Senate Governmental Affairs Committee.

In total, Treasury Department personnel spent over 3,500 hours responding to the requests at a cost to the agency of over \$240,000. Over 90% of the staff time was expended by the agency's senior staff. The agency submitted 23,621 pages of documents to Congress. According to the agency, there was considerable duplication between the House and Senate requests.

G. Department of Energy

The Department of Energy received 47 congressional requests.¹² The House Government Reform and Oversight Committee issued five requests and required one official to testify; the

¹¹The Department of the Treasury Inspector General reported receiving two additional requests not included in the Treasury report.

¹²The Energy Department Inspector General received 6 requests and reported spending \$10,861.90 responding to those requests.

Senate Governmental Affairs Committee issued three requests.¹³ The Energy Department produced 43,340 pages of documents in response to these requests.

The Energy Department had the following comments on the burdens of the requests:

In order to locate responsive documents, a copy of the request was hand-delivered to each Department Secretarial offices (approximately 26). . . . In some offices, computerized data bases allowed relatively quick "word searches" to determine whether the office held responsive files. In other offices, potential file sources were reviewed manually to conduct a page-by-page search for responsive materials. . . . In accordance with the House Government Reform and Oversight Committee's request, each page was given a unique Bates stamp identifier and a log of all the documents was developed.

In addition to the cost of manpower directly related to document production, the extensive employee interviews conducted by one Committee consumed hundreds of hours of time . . . [M]any employees were interviewed on multiple occasions.

Over the time period of the campaign finance inquiry, the Department was asked to provide the same information, to the same Committee, on more than one occasion. Although House and Senate requests were phrased in slightly different terms, there also was great similarity between the information provided to both bodies.

H. Export-Import Bank

The Export-Import Bank received 14 congressional requests and spent \$143,662 responding to these requests. Overall, 17 employees spent 2,943 hours responding to these requests at a personnel cost of over \$126,000. The Export-Import Bank produced 32,000 pages to the House Government Reform and Oversight Committee in response to five requests and 80,000 pages to the Senate Governmental Affairs Committee in response to one subpoena.

I. Department of Defense

The Department of Defense received 122 congressional requests and spent \$105,958 responding to these requests. The House Government Reform and Oversight Committee issued seven requests and required one official to testify on campaign finance issues. The Senate Governmental Affairs Committee issued nine requests; one official testified before that Committee on three separate occasions.

In total, 47 Defense Department staff spent 3,198 hours responding to the requests at a personnel cost of \$104,000. Defense produced 21,038 pages of documents and said there was "great" duplication among the requests.

¹³The Energy Department did not estimate the cost of responding to the requests.

J. Federal Election Commission

The Federal Election Commission received 13 congressional requests and spent \$44,125.60 responding to these requests. The House Government Reform and Oversight Committee issued eight requests and required six FEC officials to testify on seven separate occasions. The Senate Governmental Affairs Committee issued three requests and heard testimony from one official.

In total, 39 FEC personnel spent 692 hours responding to these requests. On the question of duplication, the FEC noted that “similar topics [were] covered at all hearings.”

K. Department of State

The State Department received 65 campaign finance requests. The Department reported spending 3,386 hours responding to these requests -- including 2,657 hours of executive and senior staff time -- and produced 36,330 pages to Congress.

According to the State Department:

These inquiries proved to be labor intensive, requiring much coordination and processing on very short deadlines. In responding to these inquiries, [the Department] experienced much duplication of effort and multiple demands on limited resources. As a result, there was a considerable drain on the resources available to comply with the entire range of information access statutes and special document production requests.

L. Other Agencies

The Department of Housing and Urban Development reported receiving three requests¹⁴ and expending \$10,796 responding to the requests. HUD personnel spent 276 hours of staff time producing 8,059 pages and reported a “great” amount of duplication between House and Senate requests.

The General Service Administration spent \$233,549.77 responding to only two requests. The responses required 60 GSA personnel to spend 2,509 hours at a cost of over \$109,000 producing 55,446 pages of documents. GSA was also forced to hire six contractors at a cost of almost \$63,000 to respond to the requests.

The Small Business Administration was required to spend \$30,672 responding to two requests.¹⁵ SBA used 19 personnel and 590 hours to respond to the requests.

¹⁴The HUD Inspector General reported receiving one additional request.

¹⁵The SBA Inspector General reported receiving two additional requests.

II. COSTS OF CONGRESSIONAL INVESTIGATIONS

During the 105th Congress, at least 22 separate congressional committees investigated allegations of campaign finance abuses in the 1996 elections. This report estimates that the cost to the taxpayers of these investigations is at least \$14.6 million.

A. House Government Reform and Oversight Committee

The minority estimates that the House Government Reform and Oversight Committee's campaign finance investigation has cost the taxpayers in excess of \$7.4 million through August 31, 1998. This investigation is the single most expensive congressional investigation in history. In comparison, the Senate Whitewater investigation cost only \$1.9 million, the House and Senate Iran-Contra investigation cost \$5 million, and the Senate Watergate investigation cost \$7 million (all adjusted for inflation).¹⁶

The minority's estimate is based on a review of expenses associated with the investigation as reported in the House Chief Administrative Officer's reports and the Committee's monthly activity reports for the 105th Congress.¹⁷ The minority staff estimates that the Committee spent over \$5.7 million in taxpayer dollars on staff salaries and overtime; over \$120,000 on domestic travel; and over \$80,000 for foreign travel paid for by the State Department. The Committee transcribed over 24,000 pages of testimony and statements taken in depositions, hearings, and meetings at an estimated cost to the taxpayer of \$70,000 to \$140,000 and spent over \$300,000 paid for by the Government Printing Office to reproduce this material for public distribution. Some of the other categories of Committee expenses estimated by the minority staff include expenses for consultants (over \$200,000); executive agency personnel detailed to the investigation (over \$100,000); and equipment and supplies (over \$500,000).

The majority disputed previous minority staff estimates of the cost of the investigation. On May 11, 1998, after several requests from minority members to account for the Committee's expenses, Chairman Burton wrote Rep. Waxman that the Committee spent less than \$2.5 million on the investigation in 1997.¹⁸ Chairman Burton's figures, however, are substantially understated, because they reflect only expenditures that are specifically charged to the Committee's supplemental investigative budget. In fact, many of the Committee's investigative expenses are actually charged to the Committee's regular budget.

According to a Roll Call analysis published in July 1998, "Chairman Dan Burton's (R-Ind.) staff provided numbers that do not accurately reflect the actual cost of his investigation into

¹⁶*Whitewater: Comparison of Cost and Other Selected Data with Previous Investigations*, CRS Report for Congress (February 9, 1998) (98-101 GOV).

¹⁷House CAO reports were reviewed through June 1998; Committee activities reports were reviewed through August 1998.

¹⁸Letter from Chairman Burton to Rep. Waxman (May 11, 1998).

fundraising abuses. . . . Burton does not include the salaries and expenses for investigators . . . who spent virtually all of their time on the investigation but were paid with money from the committee's general budget."¹⁹ Chairman Burton's figures also excluded the costs of transcribing Committee depositions, hearings, and meetings; GPO printing costs; and the cost of foreign travel. The Roll Call analysis found that "the actual number is much closer to the Democrats' figure."²⁰

B. Senate Governmental Affairs Committee

In the Senate, the campaign finance investigation was conducted by the Governmental Affairs Committee. According to the Wall Street Journal, the committee spent \$3.5 million on its investigation.²¹ This is the same amount the Committee was authorized to spend.²²

C. The House Select Committee on Missile Technology Exports

In June 1998, the House created the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China chaired by Rep. Christopher Cox. This Committee was established to investigate allegations that Loral Space and Communications received a waiver to transfer missile technology to China after its CEO, Bernard Schwartz, made significant campaign contributions to the Democratic party. The Committee is authorized to spend \$2.5 million on its investigation.²³

D. The House Education and the Workforce Committee

The Education and the Workforce Committee is authorized to spend \$1.2 million to investigate allegations of money laundering in the Teamsters elections. This figure includes \$1.04 million allocated to the Committee by the House Oversight Committee from the Speaker's reserve fund²⁴ and a \$150,000 consultant contract for outside counsels Joseph DiGenova and

¹⁹*Democrats' Report Doesn't Add Up; Republican Numbers Aren't Any More Precise*, Roll Call (July 13, 1998).

²⁰*Id.*

²¹*Burton's Campaign-Finance Probe Is Drawing Criticism for Mounting Costs and Slow Progress*, Wall Street Journal (March 27, 1998)..

²²S. Res. 39 (March 11, 1997).

²³H. Res. 463 (June 18, 1998).

²⁴The House Oversight Committee appropriated \$747,274.75 at the March 4, 1998, committee meeting and an additional \$296,543 at the October 2, 1998, committee meeting for the Education and Workforce Committee's investigation.

Victoria Toensing to be paid out of the Committee's regular budget.²⁵

E. Other Congressional Investigations

The total costs of the four congressional investigations described above is \$14.6 million. In addition to these investigations, however, there were many other congressional investigations into campaign finance issues conducted during the 105th Congress. The responses from the federal agencies to the GAO identified 18 additional congressional committees that made campaign finance inquiries during the 105th Congress.²⁶

Some of these other committees conducted their own extensive campaign finance investigations. The House Commerce Committee, for example, held 4 days of hearings on allegations that the Molten Metal Technology company received government contracts in exchange for contributions to the Clinton-Gore campaign.

The minority staff's estimate of congressional costs does not include the costs associated with these other investigations. If these other congressional investigations were included, the total costs to the taxpayer would undoubtedly far exceed \$14.6 million.

III. OTHER USES OF \$23 MILLION

As described in Parts I and II, the congressional campaign finance investigations have cost the taxpayers at least \$23.3 million, including at least \$8.7 million spent by the executive branch agencies responding to congressional requests and at least \$14.6 million spent on the investigations themselves.

In this era of limited government spending, the money expended on the campaign finance investigation must be considered in the context of what other government programs could have benefited from those funds. Two noteworthy examples are described below.

²⁵The Education and the Workforce Subcommittee on Oversight and Investigations voted to retain Mr. DiGenova and Ms. Toensing at \$25,000 a month for six months for a total of \$150,000. See *The Joe and Vicki Index*, Roll Call (February 16, 1998); *Leaders Seek Subpoena Power for Investigation of Teamsters*, Roll Call (March 23, 1998).

²⁶These committees include: House Committee on Appropriations; House Committee on Banking and Financial Services; House Committee on the Budget; House Committee on Commerce; House Committee on House Oversight; House Committee on International Relations; House Committee on the Judiciary; House Committee on National Security; House Committee on Resources; House Committee on Rules; House Committee on Small Business; House Committee on Standards of Official Conduct ("Ethics Committee"); House Committee on Ways and Means; House Permanent Select Committee on Intelligence; Senate Committee Appropriations; Senate Committee on Banking, Housing, and Urban Affairs; Senate Committee on the Judiciary; and Senate Select Committee on Intelligence.

A. Child Nutrition Programs

Federal child nutrition programs provide cash and other assistance to federal and state agencies to fund school lunch and breakfast programs. The goals of the programs are to improve children's nutrition and provide lower-income children with access to nutritious food.²⁷

According to the Congressional Research Service, the federal government will spend \$1.9425 for each "free lunch" cash subsidy provided to children from families with incomes below 130% of the federal poverty guidelines during the 1998-99 school year.²⁸ The government will also spend \$1.0725 for each free breakfast provided. Based on these figures, the \$23.3 million spent by the federal government on the campaign finance investigation could have paid for 12 million school lunches or 21.7 million school breakfasts for children from low-income families.

B. Hiring Police Officers

Many communities faced with tight budgets and high crime rates rely on the federal government to fund the hiring of additional police officers. According to recent statistics, the mean annual salary for a new police officer in cities with populations of 10,000 or more was \$28,238.²⁹ Based on this figure, the \$23.3 million expended on the campaign finance investigation could have been used to hire 825 more police officers to assist communities fight drugs and crime.

²⁷*Child Nutrition Programs: Background and Funding*, CRS Report to Congress 98-25 (August 28, 1998).

²⁸*Id.*

²⁹Sourcebook of Criminal Justice Statistics citing Evelina R. Moulder, *Police and Fire Personnel, Salaries, and Expenditures for 1997*, The Municipal Year Book 1998.

Mr. WAXMAN. Did the Executive Office of the President produce e-mail records to this committee during that campaign finance investigation?

Ms. NOLAN. Yes, sir, they did.

Mr. WAXMAN. How many total pages of e-mails did the Executive Office of the President produce to this committee in response to the campaign finance inquiries?

Ms. NOLAN. My understanding is that it was 7,700 e-mails, pages of e-mails.

Mr. WAXMAN. Did the White House ever intentionally withhold any e-mails?

Ms. NOLAN. I am not aware that the White House ever intentionally withheld any responsive e-mails.

Mr. WAXMAN. I understand that in responding to the request for documents, the White House typically searches this ARMS computer archive for responsive material. Is that the only kind of search that's done?

Ms. NOLAN. No. The directive that goes out to EOP employees asks them to search their own records, whether in paper form, computer form or any other form. So individuals should be searching their own servers on their PCs.

Mr. WAXMAN. So even if a document is not on the ARMS system, it still could be found by searching an individual computer account; is that right?

Ms. NOLAN. Yes, and that is apparently what happened. When the second search was done in June 1998 and the White House compared the documents from the server, it turned out that people who had searched their own records had already produced those documents.

Mr. WAXMAN. Is it possible that some of the e-mails that have supposedly gone missing because of the technical problems with the ARMS retrieval system were nonetheless produced to this committee and others requesting documents from the White House?

Ms. NOLAN. Yes, yes.

Mr. WAXMAN. In fact, Ms. Nolan, if I understand you correctly, all this talk about missing e-mails is a little misleading because it overlooks the fact that while certain e-mails may not have been properly archived in the ARMS backup system, they're not necessarily missing; is that right?

Ms. NOLAN. They're not necessarily missing. They may have already been produced. They may be on the backup tapes.

Mr. WAXMAN. I'd like to now turn to the chain of events that followed the discovery of a problem with the MAIL2 server in 1998.

Mr. Lindsay testified that after he was told about the MAIL2 problem, he notified the White House counsel's office, your office. I know that you weren't there at that time, but based on what you have learned, can you tell me what the White House counsel's office was told about the MAIL2 problem?

Ms. NOLAN. What I understand is that a problem was described to Charles Ruff, then counsel to the President; that his understanding of the problem was that there had been a problem with a search, a possible problem with a search. He informs me that he did not understand the—that a larger problem, such as the MAIL2 problem, or its nature or its scope, existed; and it appears that ei-

ther that was not fully communicated or there was some disconnect. I don't know precisely what was said.

Mr. WAXMAN. At last week's hearing, Mr. Lindsay told us about a test search that was then conducted to figure out the extent of the MAIL2 problem.

Can you tell us why that search was requested?

Ms. NOLAN. I believe, sir, that that refers to the second search that was done for the documents that might have been missing from the particular search that Mr. Ruff understood was problematic.

Mr. WAXMAN. And what were the results of that search?

Ms. NOLAN. The result of that search was that all the e-mails found in the second search had already been provided to the counsel's office and produced.

Mr. WAXMAN. In other words, it's your testimony that the documents that were turned up in that test were turned over or were they not turned over?

Ms. NOLAN. It is my testimony, from my understanding, that they were produced, sir; they were turned over. They already had been.

Mr. WAXMAN. Now, just to have a further understanding, these are e-mails that related to Monica Lewinsky; is that correct?

Ms. NOLAN. That is right. That is my understanding.

Mr. WAXMAN. So if I understand you correctly then, the e-mail documents that were found in the test search were duplicative of the e-mails that had been previously turned over; so when they did the test search, they found the e-mails about Monica Lewinsky, and they found that these e-mails had already been turned over?

Ms. NOLAN. That's correct, sir.

Mr. WAXMAN. So, in your view, did it appear that there was not a problem?

Ms. NOLAN. My understanding is that's exactly what—how Mr. Ruff understood it, that either there had been a problem and it was fixed, or there had not been a problem; but there had not in fact been—there were no new documents found that indicated that the production had not been fully done.

Mr. WAXMAN. Yesterday's Washington Times ran an article that stated that the White House possesses a, "previously undisclosed computer disk containing e-mails by Monica Lewinsky that were sought under subpoena by a Federal grand jury and three congressional committees," but never turned over. The article stated that this disk, known as a zip disk, was given to Northrop Grumman's counsel, who passed it on to the Executive Office of the President.

Are you aware of a zip disk that was recently provided to the Executive Office of the President by Northrop Grumman's counsel?

Ms. NOLAN. Yes. This is the—as I understand it, this is the record of Mr. Haas' F drive, and he apparently was the one who did this search, this second search that we were referring to. Mr. Haas kept that, the record of that search on his F drive, and that is—that's the same search. No previously undisclosed, no nonproduced e-mails at all.

Mr. WAXMAN. So these are the same. This zip disk contains the same e-mails that resulted from that search in June 1998 that the

White House had previously turned over to the various investigators; is that correct?

Ms. NOLAN. The reference to these previously undisclosed e-mails is wrong. They are, as far as I know, they are the same ones that were—had already been produced.

Mr. WAXMAN. Before this zip disk was handed over to the Executive Office of the President, did you know that it even existed?

Ms. NOLAN. No, sir.

Mr. WAXMAN. And what do you know about the origin of this disk, just to have that on the record?

Ms. NOLAN. My understanding is that a couple of weeks ago, I am not sure of the exact date, that Mr. Haas made a copy of what was on his F drive; and he then provided it to Northrop Grumman counsel, and Northrop Grumman counsel provided it to us.

Mr. WAXMAN. I'm smiling because it looked like we had different versions of some of the questions, but I think you've made the point. And the essential point, as I understand it, is that what was on this zip disk was nothing more than the e-mails you had already turned over and therefore the statement in the Washington Times that the disk, zip disk, had e-mails that had not been turned over is not an accurate statement?

Ms. NOLAN. I am not aware of any cache of previously undisclosed e-mails on any disk.

Mr. WAXMAN. At last Thursday's hearing we heard differing testimony about the content of the e-mails that were not captured by the ARMS as a result of this MAIL2 glitch. As you saw in that video clip I showed during my opening statement, Betty Lambuth, who was former manager of Northrop Grumman Lotus notes team, stated that the e-mails concerned a number of different investigations. She said she learned this from Robert Haas, who was a member of Ms. Lambuth's Lotus notes team. On the other hand, Mr. Haas testified he did not know the content of these e-mails except for two relating to Monica Lewinsky.

Ms. Nolan, based on your understanding of the e-mail problem, who do you believe is right, if you have an opinion on this, between Ms. Lambuth and Mr. Haas?

Ms. NOLAN. Mr. Haas' testimony is consistent with what I understand about what the previous search was, which is that it was for e-mails related to the Monica Lewinsky investigation.

Mr. WAXMAN. Ms. Nolan, why wasn't Congress notified in 1998 when the White House e-mail problems were discovered?

Ms. NOLAN. Mr. Waxman, the e-mail problem that Mr. Ruff understood might have occurred, he did not understand to have any effect on document productions; and I think that anyone who knows Charles Ruff knows that if he thought that there were a large number of documents that he had said had been produced had not been produced, he would have done something about it.

Mr. WAXMAN. Why didn't you, when you were already in the White House counsel's office in January of this year and you were briefed on this issue, why didn't you notify Congress yourself?

Ms. NOLAN. When I was briefed on the issue, it was part of a larger prebriefing for a post-transition Presidential records meeting. I had no understanding at that time that there were ongoing

problems or effects on searches. As soon as I learned of the allegations that there were, you know, we started to look at it.

Mr. WAXMAN. I want to yield some of my time to Mr. Cummings.

Mr. CUMMINGS. Thank you very much.

Ms. Nolan, and Mr. Raben—thank you for being here. Government service is not always easy, and I just want to ask you just a few questions and just kind of pick up where Mr. Waxman left off.

In November 1998, a decision was made to fix the MAIL2 problem prospectively so that all incoming external e-mails would be properly sent to ARMS. When this fix was made in November 1998, what happened to all of those unrecorded e-mail records that were on the server at the time?

Ms. NOLAN. It's my understanding that a backup tape was made of the server on the day that they restored the ARMS system on a going-forward basis, and those backup tapes are with—in our security office now.

Mr. CUMMINGS. Now, a second problem was discovered in April 1999 that prevented incoming e-mails to users of the first name beginning with the letter D from being properly archived. This problem was apparently caused by programming errors made by contractors in October 1998.

When this second glitch was fixed in May 1999, what happened to all of those unrecorded e-mail records that were on the server at that time?

Ms. NOLAN. Again, a backup tape was made, snapshot of the system on the day that the ARMS system was fixed on a going-forward basis, and those tapes are also with our security office.

Mr. CUMMINGS. So to the best of your knowledge today, has the Office of Administration taken steps to protect those tapes?

Ms. NOLAN. Yes, sir.

Mr. CUMMINGS. How so?

Ms. NOLAN. The Office of Administration has placed the backup tapes with Charles Easley, who is the Executive Office of the President's security officer, and he has—has those tapes, I believe, in a safe in his office.

Mr. CUMMINGS. Now, Ms. Nolan, can you tell me about what the White House is doing to reconstruct the nonarchived e-mails?

Ms. NOLAN. The Office of Administration has been working to get a contractor which—and it signed a contract yesterday with an outside contractor to restore the backup tapes, and we particularly—I particularly asked that we make sure when we were doing this that—that we go in two paths so that we get the backup tapes searchable as quickly as possible and we get the backup tapes restored to ARMS, but that we not delay being able to search the backup tapes by getting them on ARMS first.

So we're working on two paths to try to get the backup tapes searchable as quickly as possible.

Mr. CUMMINGS. Now, where are the backup tapes that are going to be needed to reconstruct the nonarchived e-mails?

Ms. NOLAN. Those are also with Security Officer Easley.

Mr. CUMMINGS. Now when these backup tapes are put in an easily searchable format, does EOP intend to perform keyword

searches of these records to comply with this committee's subpoenas?

Ms. NOLAN. Yes. Yes, sir.

Mr. CUMMINGS. Can you explain the problem that prevented e-mail in the Office of the Vice President from being archived?

Ms. NOLAN. I don't know yet exactly how it happened that e-mail from the Vice President's Office was not fully put on ARMS. What I do know is that the Vice President's Office was on a different e-mail system from the White House Office and other components of the Executive Office of the President apparently at the time that ARMS was started in 1994, and that those accounts were not set up to be managed by ARMS at that time.

Mr. CUMMINGS. Now, you stated that the Executive Office of the President had produced 7,700 pages of e-mails, is that correct, to this committee?

Ms. NOLAN. To this committee in the campaign finance investigation alone.

Mr. CUMMINGS. Did those records include e-mails from the Office of the Vice President?

Ms. NOLAN. Yes, I believe they did.

Mr. CUMMINGS. Does the fact that the Vice President's e-mails have not been archived represent a deliberate effort to hide those documents from Congress and other investigative bodies?

Ms. NOLAN. I have seen no indication that anyone was trying to hide these documents from congressional investigative bodies or any other investigative bodies.

Mr. CUMMINGS. Now, when you made your statement early on, just the early part of your presentation here, you made it clear that you are discovering information as you go along; is that right?

Ms. NOLAN. Yes, sir.

Mr. CUMMINGS. Do you have any anticipation as to many changes taking place with regard to statements you have already made to us or things you think you may find out?

Ms. NOLAN. I don't know.

I want to be clear. I don't know what I may find out later, but I think that what's important to know now is, we—we have the backup tapes. We have—are secured with our security officer. We have an outside contractor on board to try to get these restored and searchable as quickly as possible. Until we do that, I can't say any more.

Mr. CUMMINGS. Thank you, and I want to thank the gentleman for yielding.

I yield back.

Mr. WAXMAN. Thank you very much, Mr. Cummings.

Mr. Raben, I want to ask you about the criticism the Attorney General has been receiving from Chairman Burton. When he originally called this hearing on March 8th, he wrote a letter to the Attorney General, and was pretty harsh in his criticism because he criticized the Attorney General for not investigating this e-mail problem. And, in fact, he was pretty strong about it. He said the appearance created by this failure to investigate seems to indicate that there's no interest, no intention of pursuing a vigorous investigation of the White House. And so the Attorney General was being criticized for not investigating.

Now the Justice Department, headed by the Attorney General, has announced an investigation, and the criticism by our chairman is that instead of applauding this investigation, he wrote an even stronger letter to the Attorney General on March 27 in which he said that, "Because you and your staff are in charge, the proposed investigation is fatally flawed."

So the chairman is saying on the one hand, you didn't investigate; when you do, it's flawed, and he wants an independent counsel to take over. But it doesn't end there, because yesterday, March 29th, the chairman, in a letter to Judge Royce Lamberth, wrote, "Recent efforts by the Attorney General to control this investigation appear to be nothing more than a ploy to retain control over matters that will ultimately focus on how the Justice Department helped the White House in its efforts to refrain from producing documents to Congress and various independent counsels."

So to summarize what I understand has happened, on March 8th, the Justice Department is criticized for not investigating the e-mails; on March 27th, the chairman decides that the Justice Department investigation that he requested is fatally flawed; and now on March 29th, we learn that the Justice Department's investigation is not only flawed, it's part of some huge attempt at cover-up.

So, Mr. Raben, it seems to me that the Attorney General is damned if she does and damned if she doesn't; whatever action she takes, the chairman finds grounds for criticism.

Ms. Nolan, let me just see if I can summarize where I understand some people are taking this investigation.

Some people have a theory. They acknowledge that this problem with the ARMS retrieval system was flawed, and they recognize that the mistake was not because the White House caused it to be flawed, but when the White House found out that it was flawed and not capturing all the various e-mails, they tried to cover it up and threatened people who might make it public, particularly personnel who knew about the failure of the ARMS system to retrieve the e-mails.

Now, of course, if this theory is true, this amounts to obstruction of justice.

As I understand it, the White House counsel, Charles Ruff, when he heard about this problem, asked that a test be done to see what was happening with these e-mails that were not on the centralized ARMS system, and used Monica Lewinsky as an example topic—obviously a pertinent one at the time—for the investigation; and when this test was done, he found out that the e-mails that were not on the ARMS system apparently were picked up because they were retrieved from the individual computers. And when they were retrieved from the individual computers and he found that they were duplicative of those that were already turned over to the investigators, it seems like he concluded there was no real-world problem; that while the centralized system wasn't getting the e-mails, the search of the individual computers seemed to be picking up these e-mails.

So we're talking about Mr. Ruff. I mean, he's the only one; if there's this cover-up, if there's this conspiracy, if there's a threat to witnesses that might make this public, he would be the one in charge of this whole thing. But he went out and tried to make sure

that they were getting all the e-mails to the appropriate investigative agencies, and he did this test to be sure that that was the truth, or at least, as he understood it, that they weren't leaving anything out.

We had testimony last week from Mr. Spriggs and others that it was their understanding the White House wasn't trying to cover-up the problem. They were trying to correct the problem. There seems to be some concern that Northrop Grumman might say, well, they're going to need more money to correct the problem, but the White House wanted the problem corrected.

Is this a summary of what you understand to be the facts in this case?

Ms. NOLAN. Let me clarify one thing where I—my understanding differs from what you just summarized, which is that—my understanding is that Mr. Ruff understood the problem to be related to this particular search. So he wasn't doing a test to see if the system worked generally, but rather was doing a second search for the particular search that there may have been a problem for. And when the files came back, which showed that, in fact, everything had been captured, it's my understanding that Mr. Ruff believed there had been no problem, there was no ongoing problem.

Mr. WAXMAN. Well, let me just say that I've worked with many people in the course of the time I've been in public office, and beforehand, and I am very careful to say—to vouch for anybody, but I've worked with Mr. Ruff, and I know him to be a man of integrity and principle; and in my mind, there's never been any question about his honesty and integrity, and I cannot believe this theory that would hold him responsible for some kind of cover-up and threatening people and all the other—other facts that would have to fit in, be shoe-horned into this theory that would amount to a scandal.

And if this is all there is, if this is what this whole scandal is all about, I must say I am not very impressed that we have found a new scandal to wave our arms about and to carry on as if there's been something intentionally done to frustrate justice.

I thank both of you very much for your testimony and yield back the balance of my time.

Mr. BURTON. Thank you, Mr. Waxman. I understand Mr. Raben needs a brief break, and Ms. Nolan, I think we will allow both of you to have 10 minutes, if that's all right with you for a break; and then we'll get back to the questioning.

So we stand in recess for 10 minutes.

[Recess.]

Mr. BURTON. The committee will reconvene.

I apologize for the length of our tour to the floor, but, unfortunately, there were a number of votes.

I will recognize the gentleman from Florida, Mr. Mica, for 5 minutes.

Mr. MICA. I thank the chairman, and I do have a question for Ms. Nolan.

First of all, you have talked about the suddenly reappearing Haas disk, zip disk I guess it's referred to, tapes in your testimony to us, your statement to us. And that contains—was it 500 records or e-mails?

Ms. NOLAN. Sir, I don't know how many it contains.

Mr. MICA. You also sort of indicated for the other side that those had matched what was given to the—had been possibly given to the independent counsel or to investigators. Was that correct or were you told that?

Ms. NOLAN. I was told that what—what Mr. Haas did was a second search in June or July, I am not sure, summer of 1998, that that search produced—he did a second search of the server—and that search produced e-mails which were provided to the counsel's office, which checked and found they were duplicative of e-mails already provided.

Mr. MICA. But you're not aware—you've not seen those 500 records?

Ms. NOLAN. I have not yet, sir.

Mr. MICA. So you don't know whether they match? You don't know whether, in fact, that that information was the same that has been provided to the investigative body that required it?

Ms. NOLAN. I know that Mr. Haas has described what—what he saved as the search that we looked at.

Mr. MICA. You also indicated that now there are an additional number of back-up tapes, is that correct? Is it 620 some back-up tapes.

Ms. NOLAN. I think, sir, I'm not sure of the exact number. There are about 3,400 for the EOP all together. There are about 625 for the Vice President's Office.

Mr. MICA. As opposed to a lower number that had previously been disclosed?

Ms. NOLAN. Last week I had been told that there were about 550 Vice President's back-up tapes.

Mr. MICA. Now, it's 625. So there's two bodies of information, one is the White House and one is the Vice President?

Ms. NOLAN. One is the Executive Office of the President, but some of those—some of the Vice President's ones were with the EOP ones.

Mr. MICA. We had heard from various witnesses or sources that there was information on the impeachment, campaign finance, foreign campaign contributions, Filegate. I heard also selling of trade mission seats and other things that were under investigation by various panels or special counsels. You're not aware then what's on any of these tapes? There may, in fact, be a large number of files or records that have not been turned over; is that correct?

Ms. NOLAN. I don't know what's on the tapes. What I do know is that we know that it's incoming e-mail during those certain periods for the EOP and the e-mail for the OVP that we're going to have to reconstruct and then we'll search for the e-mails.

Mr. MICA. And, really, all you know about Mr. Ruff has said of his involvement—you said he knew that there was a technical problem, right?

Ms. NOLAN. That's my understanding, yes.

Mr. MICA. You never got into the point that Mr. Ruff might have been told by Mr. Lindsay that not only was there a technical problem but there was the problem that we had described to us that people were talking in the hallways about what was on the tapes and that needed to be hushed up?

Ms. NOLAN. No. I asked Mr. Ruff if he had heard anything like that. He had not.

Mr. MICA. You asked him specifically that question?

Ms. NOLAN. Yes, I did.

Mr. MICA. And he told you he was only aware of the technical problem?

Ms. NOLAN. That's right.

Mr. MICA. What is DOJ doing as far as investigation? Have they requested any files or information? Does—will DOJ have access before anyone else in their investigation of the materials that you have?

Ms. NOLAN. We have received a letter from the Campaign Finance Task Force, as we did from other investigative bodies, asking us to explain the problem. We have not made any arrangements with any investigative body about access or priority of access.

Mr. MICA. Has DOJ met with anyone, with you or others, regarding this investigation?

Ms. NOLAN. No, sir.

Mr. MICA. They haven't to date?

Ms. NOLAN. No, that's correct.

Mr. MICA. DOJ, who's in charge of your investigation?

Mr. RABEN. Who's in charge of the investigation? The Campaign Finance Task Force initiated the investigation.

Mr. MICA. And even though this may go beyond that, they're still charged with that?

Mr. RABEN. They initiated the inquiry.

Mr. MICA. Do you know what steps they have taken? Have they requested access to any of the material that's in the possession of the White House at this time?

Mr. RABEN. I don't have personal knowledge of all the steps that they have taken, sir.

Mr. BURTON. Does the gentleman have any more real quick questions? I know he has to catch a plane.

Mr. MICA. Well, what—just—could you provide just, finally, some background about the head of security that's now in charge of the tapes, Ms. Nolan?

Ms. NOLAN. Charles Easley is the EOP security officer. I know that he's a long-time government officer who has responsibility for reviewing background investigations and making determinations, security determinations within the complex.

Mr. MICA. Finally, has your office notified the congressional committees or the independent counsel or any of the other bodies who had requested information under subpoena that there may be existing files or information that has now been uncovered? Has that been done?

Ms. NOLAN. We've had a communication with a number of independent counsels and congressional committees. I am still trying to make sure that we gather information about every request that came in during that period.

Mr. MICA. Would you provide the committee just for the record a copy of those communications so we that can see who has been noticed that you have now uncovered some of this material that may have been subpoenaed some 3, 4 years ago?

[The information referred to follows:]

THE WHITE HOUSE
WASHINGTON

October 6, 2000

James C. Wilson, Esq.
Chief Counsel
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20015

Dear Mr. Wilson:

This letter is to respond to the Chairman's letter of September 29, 2000 to Beth Nolan, seeking "all records of communications relating to the various EOP e-mail archiving problems between [this] [O]ffice and any entity (excluding [the] Committee) that subpoenaed documents from the White House."

It is the view of this Office that individual communications between this Office and investigative bodies are deserving of respect and deference by the Committee. Nevertheless, we recognize that at the March 30, 2000 hearing, Congressman Mica indicated an interest in reviewing our communications with other investigative bodies so that the Committee "could see who has been noticed" with respect to the issues discussed at the hearing. (Transcript of Hearing, 3/30/2000.) According to the Chairman's letter, the current request is based on Congressman Mica's earlier statements.

In an effort to accommodate the Committee's interest, set forth below are the dates of letters, some written in response to inquiries, from this Office to congressional committees, independent counsels, the Department of Justice and the General Accounting Office. While the list below is not inclusive of every communication touching upon e-mail issues, the referenced letters included information about one or more EOP e-mail anomalies and/or OVP e-mail issues.

March 15, 2000	Office of Independent Counsel Robert Ray
March 20, 2000	DOJ Campaign Financing Task Force
April 7, 2000	House Committee on Resources
April 28, 2000	Office of Independent Counsel Ralph Lancaster
May 19, 2000	Office of Independent Counsel Carol Elder Bruce
May 24, 2000	Senate Judiciary Committee
June 7, 2000	Office of Independent Counsel Robert Ray and DOJ Campaign Financing Task Force
June 7, 2000	Office of Independent Counsel Carol Elder Bruce
June 7, 2000	Office of Independent Counsel Ralph Lancaster

June 8, 2000	Senate Judiciary Committee
July 26, 2000	Senate Judiciary Committee
July 26, 2000	Office of Independent Counsel Ralph Lancaster
July 26, 2000	Office of Independent Counsel Carol Elder Bruce
July 26, 2000	Office of Independent Counsel Robert Ray
July 26, 2000	DOJ Campaign Finance Task Force
August 31, 2000	Office of Independent Counsel Robert Ray
August 31, 2000	Department of Justice
Sept. 1, 2000	Senate Judiciary Committee
Sept. 14, 2000	Office of Independent Counsel Robert Ray
Sept. 14, 2000	Department of Justice
Sept. 21, 2000	Subcommittee on Forests and Forest Health, House Committee on Resources
Sept. 25, 2000	General Accounting Office
Sept. 25, 2000	Senate Judiciary Committee
Sept. 29, 2000	Subcommittee on Forests and Forest Health, House Committee on Resources
Sept. 29, 2000	Senate Judiciary Committee
Sept. 29, 2000	Office of the Independent Counsel Carol Elder Bruce
Sept. 29, 2000	Office of the Independent Counsel Robert Ray
Sept. 29, 2000	DOJ Campaign Finance Task Force
Sept. 29, 2000	Office of the Independent Counsel Ralph Lancaster
October 3, 2000	General Accounting Office

We hope this information is helpful. If you have any questions, please feel free to call.

Sincerely,



Lisa J. Klem
Associate Counsel to the President

cc: Paul Weinberger, Esq.

Mr. MICA. Thank you, Mr. Chairman.

Mr. BURTON. Thank you and have a safe trip home.

Before I yield to Mr. Barr let me just real quickly ask one question.

Ms. Sheryl Hall has indicated that she was told by Mr. Haas, and Mr. Haas denied this at our hearing, but she was told that he had information on his zip disk that there were trips on these trade missions that were offered for campaign contributions and also that there was information on these zip disks dealing with the Vice President's soliciting campaign funds. Now, Mr. Haas said before the committee that he had no zip disk, that there was nothing at his home, and now we find that he does—did have a zip disk, and so I wonder if you have taken—I mean, you indicated that there was some information that you had knowledge of on the zip disks. Do you have knowledge of everything that was on the zip disk?

Ms. NOLAN. Sir, Mr. Haas, as I understand it, made a copy of his F drive, of his server drive on the computer—

Mr. BURTON. Right, right.

Ms. NOLAN [continuing]. Within the past couple of weeks.

Mr. BURTON. Right.

Ms. NOLAN. That that information he has said was what he did when he did the search for Lewinsky e-mails, and he has said there is no other information.

Mr. BURTON. But do you have knowledge of what was on it?

Ms. NOLAN. I don't.

Mr. BURTON. What has happened to that zip disk?

Ms. NOLAN. The zip disk, sir, was given to Mr. Easley. My understanding is that when they opened the zip disk or tried to read some of the zip disk material they couldn't read all of it. They went back to Mr. Haas's F drive, made another zip disk. Mr. Easley has that. They're going to try to open it and find the files.

Mr. BURTON. I think we'll issue a subpoena for both the original zip disk and the one that was remade off of his hard drive. I think it's extremely important that we have that.

One other question. You said that the e-mail system had something in it that would block out e-mails from a mother or a father or something like that. Did you say that?

Ms. NOLAN. What I said, sir, is that when a user sends an e-mail, you can—I can indicate if I'm sending an e-mail that it's non-record, that it's not a record, not a Presidential record.

Mr. BURTON. Can a person from the outside?

Ms. NOLAN. A person from the outside cannot do that.

Mr. BURTON. But a person from the inside can.

Ms. NOLAN. A person from the inside can.

Mr. BURTON. Could somebody from the inside, if they had gotten an e-mail from a friend like John Huang or Charlie Trie or Mark Middleton or Maria Hsia, could they have blocked that out?

Ms. NOLAN. Well, they can't block out. It still gets sent to ARMS. My understanding is that there is some kind of regular review to see that things indicated as nonrecords are in fact nonrecords.

Mr. BURTON. What does that mean?

Ms. NOLAN. Well, this is what I understand, sir. That everything—the way that ARMS works is that when an EOP user who

has an ARMS-managed e-mail account sends an e-mail, it is always blind-copied, BCC'd, to ARMS, to records management.

Mr. BURTON. We're talking about an e-mail from the outside coming in.

Ms. NOLAN. An e-mail from the outside. The e-mails from the outside. Because they can't be BCC'd to ARMS when they're written, they're scanned as the server is scanned about every—I think it's several times a minute.

Mr. BURTON. I know. But the point is, you said they can block—

Ms. NOLAN. You can't block out any incoming e-mails.

Mr. BURTON. So it would automatically go to the ARMS?

Ms. NOLAN. They would go to ARMS, and you don't block out ones you write. You simply indicate that they're nonrecords.

Mr. BURTON. I'm only interested in the ones coming in.

Ms. NOLAN. The ones coming in, no.

Mr. BURTON. All of those would be on the ARMS system—

Ms. NOLAN. If they were captured.

Mr. BURTON. Why would they not be captured?

Ms. NOLAN. Well, during the MAIL2 and letter D problem, that is exactly the problem. That incoming e-mail to the complex for certain accounts that were coded as MAIL2 all caps, instead of MAIL2 upper and lower case, or those whose, the recipient, the user, first letter of their account began with D were not properly scanned by ARMS so they were not put in ARMS. That's what we'll be searching for on the back-up tapes.

Mr. BURTON. I am not sure I understand. Is there some way—any way that an incoming e-mail could be blocked by the receiver of the e-mail so that it would not be recorded on any other system, any other system?

Ms. NOLAN. Not that I'm aware of, sir.

Mr. BURTON. You can't make a categorical statement? You're just saying not that you're aware of?

Ms. NOLAN. I am not aware of any way.

Mr. BURTON. I guess when you were talking earlier you said that there was some way that if somebody got an e-mail from a relative or something—

Ms. NOLAN. No. I'm sorry, sir, if I was at all confusing about this. What I was saying was if I write an e-mail—

Mr. BURTON. Outgoing.

Ms. NOLAN. Outgoing, I can indicate that it's a nonrecord.

Mr. BURTON. I see. But if it's an incoming?

Ms. NOLAN. I can't do anything with it.

Mr. BURTON. It's definitely going to be recorded?

Ms. NOLAN. Unless of course you have the scanning problems that occurred in the MAIL2 and letter D problem.

Mr. BURTON. Well, if you find any additional information on that, I'd like to have that.

Ms. NOLAN. Certainly.

Mr. BURTON. Mr. Barr.

Mr. BARR. Yes. Thank you.

Ms. Nolan, the ARMS system, that is not just some program that somebody decided they wanted to have. It's a very important program, is it not?

Ms. NOLAN. Sir, it is an important program.

Mr. BARR. And it provides capability, does it not, for the White House to comply with various Federal laws that require the retention and retrievability of e-mails, does it not?

Ms. NOLAN. ARMS was set up in order for the Executive Office of the President to comply with the Federal Records Act. It also is an effective tool for complying with the Presidential Records Act, but the Presidential Records Act doesn't require that e-mail be saved in any particular form, as far as I know.

Mr. BARR. But it does require them to be saved and be in a form that is retrievable, is that not correct, pursuant, for example, to the Armstrong decision in 1993?

Ms. NOLAN. Well, of course, the Armstrong decision explicitly—the court explicitly said that it was not applying that decision to Presidential records, only to Federal records.

Mr. BARR. Are Presidential records not Federal records?

Ms. NOLAN. The law provides for two kinds of records, Federal records, which are most agency records, and Presidential records, which are those who assist and advise the President, the White House Office. Vice Presidential records are treated like Presidential records. Some of the other units in the EOP, like the Office of Management and Budget, are mostly Federal records, not Presidential records.

Mr. BARR. But records such as those that are the subject of this hearing and the hearing last week and future hearings are subject to retention and retrievability, are they not?

Ms. NOLAN. Sir, I want to be clear on the—the Armstrong decision compelled certain records management and retrievability for Federal records. It did not address Presidential records. So I am not aware that there's a decision that says that Presidential records—

Mr. BARR. Is your position then that Presidential records—and maybe you ought to define those for us—are not subject to the Armstrong decision?

Ms. NOLAN. That's correct.

Mr. BARR. Is your position also that the Privacy Act does not apply to those records?

Ms. NOLAN. Yes, sir. It is a long-standing interpretation of the Privacy Act from the Justice Department, starting with its initiation, that it does not apply to the White House Office and essentially to Presidential records.

Mr. BARR. In other words, you take strong exception to Judge Lamberth's decision yesterday.

Ms. NOLAN. I disagree with Judge Lamberth's decision yesterday, yes, sir.

Mr. BARR. Because you believe that e-mails such as those which we're considering here which are subject to subpoenas, for example, by the Office of Independent Counsel, this committee and the impeachment committee or the Judiciary Committee do not apply to e-mails generated by or from the White House?

Ms. NOLAN. No, sir. I'm sorry. Could you repeat that question? I'm not sure I understood it.

Mr. BARR. What we're talking about here are a large number of e-mails, generated by or directed to employees of the Executive Of-

fice of the President and other offices within or connected with the White House, is that correct?

Ms. NOLAN. Yes, the problems, with the exception of the OVP, apply to the incoming, not the e-mail generated by the EOP user. I want to make sure that I'm clear about that.

Mr. BARR. So your position, then, is that the subpoenas—for example, those issued by the Office of Independent Counsel, subpoenas for these documents by this committee or by the impeachment committee, that you do not even have to comply with those because they relate to outgoing e-mails?

Ms. NOLAN. Absolutely not, sir. I hope I didn't say anything close to—I believe I did not say that.

Mr. BARR. That's why I wanted to clarify. Because it struck me far reaching even for this administration.

Ms. NOLAN. I understood your question to be whether the Presidential Records Act or the Armstrong case require White House Office records to be retrievable in an electronic form. I am not aware that there is any such legal obligation. Armstrong did not apply to Presidential records, and the Presidential records—

Mr. BARR. They did not say they weren't covered, though.

Ms. NOLAN. No. The court actually considered that question, yes, sir.

Mr. BARR. Your position is that the Armstrong decision expressly provided that e-mails going to the White House or going out of the White House are not subject to retrieval in an electronic format.

Ms. NOLAN. No, I'm saying that the Armstrong case specifically excluded discussion of Presidential records, which includes White House Office records. It addressed Federal records. And that was a specific part of the case, the plaintiffs—my understanding is that the plaintiffs actually wanted the court to address both. And it did not.

Mr. BARR. So what you're saying there's a loophole here—

Ms. NOLAN. No loophole, sir.

Mr. BARR [continuing]. Through which you want to drive a Mack truck. But those same e-mails are properly subject, are they not, to subpoena by the independent counsel and by committees of Congress. Is that correct?

Ms. NOLAN. We've supplied thousands and thousands of e-mails pursuant to subpoena requests.

Mr. BARR. Yes, they are subject to subpoena, but if they happen to be in an electronic format, and you all just happen to lose them or not know where they are, that you're under no obligation to search the records for them because they're not covered by the various statutes of the Armstrong decision.

Ms. NOLAN. I didn't say anything like that, Mr. Barr.

Mr. BARR. Does the White House recognize an obligation to have e-mails sent from or to employees in the Executive Office of the President stored in such a way so that they can be retrieved and be responsive to subpoenas issued by the Office of Independent Counsel or a congressional committee?

Ms. NOLAN. Mr. Barr, the White House included White House Office and Presidential records e-mails in the ARMS system, which is an automated retrieval system, even though it was under no legal obligation at the time to do so. It has used the ARMS system

to try to—to respond to subpoena requests. I don't think there's any suggestion—

If I haven't been clear about this, let me be clear. There is no contention here that we were under no obligation to search and produce. What happened was that the search did not produce certain e-mails because they weren't in the ARMS system or may not have produced certain e-mails because they were not properly captured in the ARMS system. The lawyers who were doing the productions were not aware that the ARMS system did not contain those e-mails.

Mr. BARR. On what basis do you make the statement that they weren't aware of it? Because it's my impression that they were through several means.

Mr. BURTON. Let me—Mr. Shays, do you intend to yield to Mr. Barr?

Mr. SHAYS. I'll be glad to yield.

Mr. BARR. There were various articles written in the public domain back in 1998 that this problem did exist. Judicial Watch furnished letters to Judge Lamberth indicating on the record that this problem did exist. We had testimony just a week ago that there was a—in July 1998 that Mr. Haas did a search of several users' files for e-mails regarding Ms. Lewinsky. And that there were a fairly significant quantity that were retrieved and they were delivered to the White House counsel's office.

He could not—or at least testified that he could not remember to whom they were delivered or precisely when, and he professed to have no knowledge or record of when they were delivered.

So, it mystifies me, to some extent, one, to hear you say that nobody in the White House counsel's office was aware that there was this problem or that these e-mails were not retrievable. There was testimony that they were retrievable.

Ms. NOLAN. Sir—

Mr. BARR. Specifically with regard to—and I'm sure you're aware of the testimony last week by Mr. Lindsay, the other Mr. Lindsay, that he did in fact deliver this large set of e-mails that he had retrieved at the direction of Miss Lambuth to the White House counsel's office—where are those e-mails?

Ms. NOLAN. He—the e-mails were produced to the counsel's office. The counsel's office checked them against e-mails it had already been provided and produced and discovered that they were duplicative. So there were no new e-mails. That is my understanding of—

Mr. BARR. But where are they?

Ms. NOLAN. The F drive—Mr. Haas's F drive, which has the results of that search, is in the EOP; and a zip disk of that has been made; and that's where Mr. Easley—

Mr. BARR. But where are the e-mails? They were hard documents delivered. Where are they?

Ms. NOLAN. The hard documents? Mr. Barr, I will find out.

Mr. BARR. Well, is there any record of them having been delivered to the White House counsel's office in approximately July 1998?

Ms. NOLAN. A lawyer in the counsel's office remembers checking e-mails against another—a set that we had produced and determining that they were duplicative.

Mr. BARR. Who is that lawyer from the White House counsel's office?

Ms. NOLAN. Michelle Peterson, sir.

Mr. BARR. Might I suggest we subpoena Ms. Peterson? Maybe she remembers.

Mr. BURTON. I think that's a good idea.

Would the gentleman yield for just a moment?

Mr. BARR. Certainly.

Mr. BURTON. Now, Ms. Peterson according to your testimony, you said that they were duplicates of what had already been given to various individuals, i.e., the independent counsel and then Mr. Hyde's investigation and so forth. Why didn't you just go ahead and send those over there instead of checking to see if they were duplicates? Because you know there's some question among some people about whether or not everybody has been getting the straight scoop on what was going on over there and what was in these e-mails. For somebody at the White House who works for the President to say that they're duplicates still doesn't erase all doubt. I mean, why didn't they just go ahead and send the hard copies over to the independent counsel and to the investigative committees that wanted them?

Ms. NOLAN. Mr. Burton, my understanding is that the counsel's office was informed that there was or might have been a problem in conducting a search, that the second search was done. And I want to be clear that the search, as I understand it, was of the server, which is what Mr. Haas testified he did. That second search showed that there had not been a problem because those documents had already been found, apparently, when people—

Mr. BURTON. I know, but that's not the question I'm asking.

Ms. NOLAN [continuing]. When people conducted their own searches of their own servers. And so there was no—

Mr. BURTON. I understand.

Ms. NOLAN [continuing]. No question.

Mr. BURTON. But the question is you had hard copies of the e-mail. They were sent to the President's chief counsel's office, Mr. Ruff's office. Ms. Peterson went through those, and she said they were duplicates. But, you see, those of us who are investigating don't want somebody at the White House to say they're duplicates. We want the hard copy so we can look at them and see if they're duplicates. Why weren't those forwarded on so that determination could be made by the relevant committees that had subpoenaed the documents?

Ms. NOLAN. Sir, I'm not sure how to explain it any better than I have. If somebody came to me and said, here are some documents; did we produce these? And somebody looks at them and says, yes, we produced them. I wouldn't say let's produce those, too. That was the question that was being asked. Have we produced them?

Mr. BURTON. I think the problem here is they were from a different source. They went through Mr. Lindsay's office to the chief counsel's office. And they made the determination they were dupli-

cates. I think we ought to see those—see all of those documents. So we'll send a relevant subpoena up for those as well as the zip disk as well.

Mr. Shays. It's my time. Now I yield to Mr. Shays.

Are you finished, Mr. Barr?

Mr. BARR. No, I could use some more time if it's available.

Mr. BURTON. Excuse me. Mr. LaTourette, are you prepared to go forward?

Mr. LATOURETTE. I'll yield to Mr. Barr. I would be happy to yield to Mr. Barr.

Mr. BURTON. Mr. Barr.

Mr. BARR. Thank you.

The search that that you were talking about, Ms. Nolan, I think you described it as the second search earlier?

Ms. NOLAN. The search that Mr. Haas did?

Mr. BARR. Is that the search that you're talking about when you say the second search?

Ms. NOLAN. I'm sorry. You would have to point me to exactly where I said the second search. I assume that's what I was talking about.

Mr. BARR. I think it was pursuant to some of your answers to questions by Mr. Waxman you used the term second search.

Ms. NOLAN. You know, unless I see exactly where I said it I can't assure you, but my best guess, Mr. Barr, is that, yes, I was referring to the search that Mr. Haas did of the server after the Mail2 problem had been identified.

Mr. BARR. What was the scope of that search?

Ms. NOLAN. I don't know exactly, sir.

Mr. BARR. OK. When was it conducted?

Ms. NOLAN. Some time in the summer of 1998. I'm not sure.

Mr. BARR. Is the one that you say was conducted by Mr. Haas?

Ms. NOLAN. That's correct, sir.

Mr. BARR. OK. Mr. Raben, last week the Department of Justice indicated I think that it was launching a criminal investigation of this matter. What was it in particular that gave rise to that decision at that particular time last week?

Mr. RABEN. I don't know all of the facts that prompted the Campaign Finance Task Force—

Mr. BARR. How about some of them? Share some of them with us.

Mr. RABEN. I know there's a filing that was submitted in the civil case that reflects some of the concerns that the Campaign Finance Task Force perceived that prompted them to initiate their inquiry.

Mr. BARR. Are you talking about Mr. James Gilligan?

Mr. RABEN. No, sir. There's a—

Mr. BARR. Who is James Gilligan? Could you tell us how he fits into the equation?

Mr. RABEN. I believe that he's an attorney in the Civil Division, but I don't know.

Mr. BARR. OK. But he is involved, is he not, with these probes?

Mr. RABEN. I'm not sure what you mean by probes. Do you mean the criminal inquiry that's been initiated?

Mr. BARR. Not only that one but the various investigations that have been ongoing, both civil and by the independent counsel.

Mr. RABEN. I'm not sure exactly what he does. I can find out and get back to you. But I believe he's a Civil Division attorney that's been involved in the civil action.

Mr. BARR. And he was aware at least as far back as December 1998 about this problem, is that correct?

Mr. RABEN. I have no idea what he was aware of, sir.

Mr. BARR. Do we a copy of—I have a letter here from Judicial Watch dated December 8, 1998, referencing articles from an edition of Insight Magazine. And if we could ask—if I could ask unanimous consent to have that made a part of the record, please, Mr. Chairman.

Mr. BURTON. Without objection, so ordered.

[The information referred to follows:]



December 8, 1998

Mr. James Gilligan
U.S. Department of Justice
Civil Division
Federal Programs Branch
901 E Street, NW Room 912
Washington, DC 20530

Re: Alexander et. al. v. FBI et. al. (D.D.C. WRCL)

Dear Mr. Gilligan:


The attached articles from the December 28, 1998 issue of *Insight* magazine reference documents that are covered by our first and second document requests, and deposition questions. Please take steps to assure that *no* documents responsive to these requests, referenced directly or indirectly in the attached articles, are destroyed.

Additionally, these articles raise serious questions about the truthfulness and veracity of testimony elicited and presented in the 30(b)(5) depositions.

Finally, we will be asking the Court for appropriate relief.

Sincerely,

JUDICIAL WATCH, INC.


Larry Klayman
Chairman and General Counsel

cc: All Counsel of Parties



Insight

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Looking for Information in All the Wrong Place

By Paul M. Rodriguez

Federal prosecutors and congressional investigators are used to the White House playing fast and loose with subpoenas requiring aides to hand over detailed information. All too often what they get from the White House in response to subpoenas is not what they requested or what they wanted. And they have to resubpoena and then wait sometimes weeks and months to see if the administration will be any more forthcoming. Generally, it isn't, many complain.

For example, the White House has been subpoenaed time and again by several congressional panels and federal prosecutors for telephone records that would shed light on who called whom, who initiated the phone conversation and, equally important, when key calls were made. In response to such requests, the White House claims it doesn't have such information and the records it does possess and supplies consist of sketchy logs, kept by secretaries, of calls made by their bosses or incoming calls as catalogued in handwritten notes by White House operators.

"They say their systems do not keep phone-call details," a federal law-enforcement official tells news alert! "We don't have those records from them," adds a congressional investigator. The only decent billing records investigators have seen are for cellular telephones maintained by individual aides.

Why not get the billing records for White House phones from the telephone companies themselves? Because the phone companies generally trash them after 30 to 90 days unless requested by a client to retain them. And, of course, the White House has not asked for such service.

Naturally, therefore, it came as a complete surprise when federal law-enforcement and congressional investigators were asked by news alert! if they were aware that, in fact, such records do exist and stretch right back to 1993. "You've got to be kidding me!" exclaimed one federal prober. "Are you serious?" queried another.

The records, which are extensive, are stored in the

The records, which are extensive, are stored in the Old Executive Office Building.

Computer Glitch Leads to Trove of 'Lost' E-Mails at White House

New technology can be a real killer when you'd rather keep information under wraps. Paper documents always can be shredded. Just ask Oliver North and Fawn Hall. But computers have a pesky habit of retaining information even after that handy delete button has been pressed. For example, e-mails.

Take Project X. Yes, those White House folks just love their sci-fi monikers. "It's top secret and there's going to be hell to pay if anyone finds out about it," a White House insider tells news alert! "They're real nervous about this getting out," a consultant says of the e-mail project, partly because hundreds involve Monica Lewinsky.

So what is Project X and why is the White House sweating about it being revealed? Federal law-enforcement and congressional investigators for months now -- in some cases years -- have sought to get their hands on White House e-mail traffic. Of course, the subpoenas have flown, but often to little satisfaction. As with the White House telephone records, so with e-mails.

Project X grew out of a routine computer-repair job in the early summer, say White House insiders. There were problems with a server in a West Wing computer system, and engineers from a contractor discovered a blockage caused by about 100,000 e-mails, many of which may come under subpoenas issued by Capitol Hill panels and independent counsel Ken Starr. Now the White House is busily and secretly undertaking a complicated e-mail-reconstruction effort, hoping to avoid raising the ire of any panel that discovers the existence of this hoard of electronic messages involving the oft-times-private chitchat.

So why hasn't the White House come clean and informed various panels and Starr of the discovery? Insiders say there's a lively debate going on involving a fair amount of legal hair-splitting. Some folks in the West Wing believe that unless resubpoenaed, the White House doesn't have a duty to tell anyone about the irritating new batch of e-mails discovered. Others aren't so sure.

White House spokesman Barry Toiv confirms to news alert! the discovery and secret review. But he claims the e-mails -- those of Lewinsky and her pals, for example -- appear to duplicate some already turned over to requesters like Starr. Skeptical probers now may want a

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peek, too.

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FACSIMILE TRANSMISSION

TO: James I. Gilligan, Esq.
 FIRM: U.S. DEPARTMENT OF JUSTICE
 FROM: Larry Klayman, Esq.
 DATE: December 8, 1998

TELECOPY NUMBER: (202) 616-8460

NUMBER OF PAGES (Including Cover Page): 5

Our Reference No.: 941

Mr. BARR. That letter is dated December 8, 1998 to Mr. Gilligan at the Civil Division of the Department of Justice. Now, does Mr. Gilligan work with Michelle Peterson?

Mr. RABEN. Mr. Gilligan, I believe, is the Department of Justice attorney. I believe—I don't think I know Ms. Peterson, but I think I learned today that she works at the White House.

Mr. BARR. It's a fact that Mr. Gilligan works with Michelle Peterson and Sally Paxton. They are both at the White House counsel's office, are they not?

Ms. NOLAN. Sally Paxton is not, sir. She was at the White House counsel's office. Michelle Peterson is, yes.

Mr. BARR. When did Ms. Paxton leave?

Ms. NOLAN. It was before I got there, sir. I'm not exactly sure.

Mr. BARR. How about approximately?

Ms. NOLAN. I don't know. I could get the answer to you, but I don't know.

Mr. BARR. You went there most recently——

Ms. NOLAN. In September of this year. September of—last year, rather—September 1999.

Mr. BARR. But she had been there in 1998?

Ms. NOLAN. I couldn't testify to that. I just don't know. I will try to find out.

Mr. BARR. Maybe Mr. Lindsay is helping us out here. Is he? Is Mr. Lindsay helping us out here?

Ms. NOLAN. Not that I can figure out.

Mr. BARR. Mr. Bruce Lindsay is here. Would you like to testify Mr. Lindsay?

Mr. LINDSAY. I'm not sure when she left. We can find out for you.

Mr. BARR. OK. You do have a copy of the December 8th, 1998, letter there, I believe.

Ms. NOLAN. Oh, that's what I have. Yes, sir. I haven't read it yet.

Mr. BARR. It's a fairly short letter from Judicial Watch, and I don't know if you have the attachments, but there were some attachments there. The point is that, at least in December 1998, Mr. James Gilligan was on notice that there was this problem with the e-mails. Do you need to go to another member?

Mr. BURTON. Yes, the gentleman's time has expired. We'll come back. I think we're starting our second round.

Let me just go back to the document that—I'll take my 5 minutes now—that Mr. Barry signed. Mr. Raben.

Mr. RABEN. Raben.

Mr. BURTON. Raben. I'll get it right.

Mr. RABEN. It's close to the building.

Mr. BURTON. Do you agree that paragraph 4 of the affidavit is false?

Mr. RABEN. I haven't seen the affidavit.

Mr. BURTON. Well, stop the clock.

Mr. RABEN. I mean——

Mr. BURTON. Give Mr. Raben the document—56. Would somebody give him a copy of the document? It's on the table in front of you, I guess. They tell me it is.

Mr. RABEN. Oh, I'm sorry. Yes there is a 56 here.

Mr. BURTON. Would you look at paragraph 4 of the affidavit? Would you agree——

Mr. RABEN. Since July 14th, that one?

Mr. BURTON. Yes. Would you agree that that's false?

Mr. RABEN. I just want to be clear. So this is the declaration that we're talking about, paragraph 4? Since July 14th, 1994, e-mail within the EOP, that paragraph?

Mr. BURTON. That's it.

Mr. RABEN. I have no knowledge. I have no ability to determine whether it's true or false.

Mr. BURTON. You know, I think I've asked you four or five questions, Mr. Raben, and every one of those questions you said you have no knowledge or you can't—what are you doing here?

Mr. RABEN. Well, you subpoenaed me, sir.

Mr. BURTON. Well, I subpoenaed—well, I'll tell you what I'll do the next time. I'll just have to subpoena the whole doggone Justice Department. Because somebody has the answer up there. You're the man that was supposed to be the one that could answer the questions. You have no knowledge. Did you talk to anybody at the Justice Department about the questioning that was going to go on this week?

Mr. RABEN. Yes, I did.

Mr. BURTON. Did you go over any of the documents or any of the information that we discussed last week or any of the testimony of last week?

Mr. RABEN. I looked through some of the public documents that I know to have been disseminated in this case, some of the transcripts.

Mr. BURTON. Last week, we talked to Mr. Barry, and it was a significant part of the discussion. Do you recall us talking to Mr. Barry? Did you review any of those documents that we talked to Mr. Barry about?

Mr. RABEN. I did not.

Mr. BURTON. You did not. Did you review any of the testimony from last week?

Mr. RABEN. I read some of it, yes.

Mr. BURTON. You read some of it.

Mr. RABEN. Yes.

Mr. BURTON. So you came to testify and you hadn't reviewed the documents or the information.

Ms. Nolan, did Mr. Barry express any hesitation about signing that affidavit, do you know?

Ms. NOLAN. I don't know sir. I wasn't there, and I don't know.

Mr. BURTON. We've been informed that Barry was told not to worry about it by Justice Department lawyers, but you have no knowledge of that.

Ms. NOLAN. I have no knowledge of that.

Mr. BURTON. Neither does Mr. Raben.

Mr. Raben, do you know if Barry expressed any hesitation to Justice Department lawyers that the affidavit that they help him prepare was accurate, was not accurate?

Mr. RABEN. No.

Mr. BURTON. You have no knowledge.

Mr. RABEN. No knowledge.

Mr. BURTON. Who at the Justice Department would have knowledge?

Mr. RABEN. Knowledge of what? Of Mr.—

Mr. BURTON. Of this affidavit and whether or not they told Mr. Barry that there was no problem with him signing it.

Mr. RABEN. I don't know. I will try to find out for you, sir. I presume that we're talking about people within the Civil Division.

Mr. BURTON. Do you know who helped him prepare the affidavit?

Mr. RABEN. Do not.

Mr. BURTON. You don't know that either.

Mr. RABEN. I do not.

Mr. BURTON. So you don't know if Mr. Barry was told not to worry about any problems in the affidavit. You don't know that either.

Mr. RABEN. No. I have failed to say and should make it clear, I presume, but you will not be surprised to hear that I don't know that many of the facts that you're talking about are now going to be encompassed or are encompassed within an initiated criminal inquiry.

Mr. BURTON. Within your investigation that you will control at the Justice Department, correct.

Mr. RABEN. There will be a Justice Department criminal investigation of—

Mr. BURTON. And usually when we asked for information, when the Justice Department involves itself in a criminal investigation, they say that's pending before the Justice Department, and a congressional committee has no jurisdiction until it has been resolved. That's the kind of answer we've been getting time after time. It's before the grand jury, it's 6-C material, and we can't get anything out of the Justice Department.

Let me just say I want to know—I'm asking you to find out who helped draft that affidavit. I want to know exactly who at the Justice Department helped prepare that affidavit.

And, Ms. Nolan, I would like to know at the White House who exactly help participate in drafting that affidavit. Because I'm going to subpoena those people and have them come before the committee and ask them whether or not they gave him that kind of information, that there was no risk in him signing that.

Mr. BARR. Would the chairman yield for a moment?

Mr. BURTON. I would like to find out, if you have somebody that's an assistant here, if you can get that information by the end of the hearing. We're going to be here until 5:30 or 6 probably. So would you instruct your counterparts from the Justice Department and the White House to give us the names of the people who worked on those affidavits? We want to talk to them. OK. Would you do that?

Ms. NOLAN. Yes, sir.

Mr. BURTON. Thank you.

Mr. BARR. If the chairman would yield for a moment.

Mr. BURTON. My time has expired. Who's next on the list here?

Mr. BARR, you're next, because Mr. Waxman is not yet here.

Mr. BARR. Thank you, Mr. Chairman.

Mr. Chairman, following on your question with regard to the timing of the latest so-called criminal probe, the record that you've established, Mr. Chairman, clearly establishes that the White House knew there was a problem with these e-mails, their retention and

retrieval as early as January, late January, early February 1998. Even if they maintained that somehow they did not know then, clearly by the summer of 1998 they knew there was a serious problem.

We also know that the Justice Department had conversations with Mark Lindsay in 1998. We also know now that the Justice Department knew directly from the civil proceedings that Judicial Watch is handling—we'll give them the benefit of the doubt—as late as December 1998 that there was a serious problem here. Yet the Department of Justice, for reasons professed to be unknown by the Department of Justice witnesses today, cannot tell us any reasoning as to why the timing of their so-called criminal probe didn't occur until last week.

In the absence of some explanation as to why they sat on this for month after month after month after month, Mr. Chairman, I'm left, unfortunately, with the same conclusion that you have, that the timing of the so-called criminal probe announced last week is simply to thwart the discovery in the civil case or cases as well as this committee's legitimate probe.

And I agree with you, Mr. Chairman, that is something that we ought to look into. Because if, in fact, the system whereby legitimate investigations are used legitimately to limit outside investigations while a legitimate criminal probe is going on in order to protect that information normally within the breast of a grand jury is being abused simply to deny materials to a plaintiff or—and/or to deny materials to a congressional investigation, Mr. Chairman, that goes beyond simply incompetence to obstruction of justice and obstruction of Congress. And that doesn't even get to the obstruction that we went into last week with regard to witnesses testifying under oath that they were intimidated into not disclosing evidence that they had about this particular problem. So I consider the hearing last week and this followup hearing, Mr. Chairman, very, very serious.

And again, the position, Ms. Nolan, that you've taken that Mr. Ruff either didn't know there was a real problem here or thought it had just gone away or been resolved just does not make any sense. White House lawyers knew there was a problem. The Office of Administration knew there was a problem. The Department of Justice knew there was a problem. It just strains credibility for you to say that, in your view, Mr. Ruff thought this problem had been resolved. It clearly had not been resolved, and that's what's particularly bothersome to us.

And yet you seem to be saying that the problem, as you all saw it, had no effect on the subpoenas until you read about it I think you said in the Washington Times in February of this year. Are you having us believe that nobody within the White House communicates with people in the Office of Administration or nobody in the White House counsel's office communicates with people at the Department of Justice? Because each one of the offices knew there was a problem.

Ms. NOLAN. Mr. Barr, I can't affect what you believe. I can tell you——

Mr. BARR. Yes, you can.

Ms. NOLAN. I can tell you that it is my testimony, it has been my testimony through several hours here, that Mr. Ruff has informed me that he was aware that there might have been or was a problem with a search, that it turned out there was not a problem with that search because the retrieved e-mails were duplicative, that he was not aware that there was an ongoing problem. I can't speak to what the Department of Justice knew or—

Mr. BARR. At what point did Mr. Ruff, in your opinion or your view, realize that there was still a problem?

Mr. BURTON. The gentleman's time has expired. We'll let her answer.

Ms. NOLAN. We've talked to him in the past month, yes, sir.

Mr. BARR. He realized there's a problem.

Ms. NOLAN. He realizes now that the Mail2 and letter D problems, computer problems, could have affected searches that were conducted.

Ms. NOLAN. Yes, sir.

Mr. BURTON. Mr. Barr, we'll get back to you. Mr. Waxman would like to have his 5 minutes now.

Mr. WAXMAN. Thank you, Mr. Chairman.

I want to clarify for the record there's been some question about Mr. Haas's testimony. And this is from the record from last week.

Robert Haas, with regard to the zip disk,

Mr. BURTON. OK, did you ever save any search responses or records on another electronic media such as a zip drive? Question.

Mr. HAAS. Just the stuff I saved for the people with the subpoena right now last week. I've never saved it on a zip drive for anybody.

Mr. BURTON. Never saved it on a zip drive or any kind of electronic device that you might have had at home or something?

Mr. HAAS. No, sir. I don't have a zip drive. I have a zip drive at home that is currently broke, but I don't have any—I just recently got a zip drive at work to record these documents last week, but I don't—

Mr. BURTON. The one at home though doesn't have any information on it?

Mr. HAAS. No, sir.

So the central point was what he was asked about he said that he had—the stuff he saved for the people with the subpoena right now last week.

Now, I want to also make a point for the record about Tony Barry or Daniel Tony Barry. The chairman made a perjury allegation regarding his affidavit which was submitted in July 1999. Now, this affidavit was part of a civil suit brought by plaintiffs represented by Larry Klayman of Judicial Watch. Mr. Barry is a career civil servant with expertise in technical computer matters. I understand that the affidavit was filed in response to complaints by Larry Klayman regarding the efforts of the Office of Administration to reconstruct e-mails that existed before the establishment of the Automated Records Management System, or the ARMS, in 1994. This reconstruction effort is separate from reconstruction related to the Mail2 e-mail problem that this committee has recently been examining.

Mr. Barry's affidavit that describes the 1994 reconstruction status should be taken in the proper context. It addressed questions such as the status of the restoration and reconstruction process for pre-July 14th, 1994 e-mail, the time and cost associated with con-

ducting the e-mail search proposed by the plaintiffs in the civil lawsuit and the steps involved with such a search.

Now it's true that the affidavit did not disclose the Mail2 computer glitch that occurred several years later. But, given the context of the affidavit, it's hard to see how that omission would be perjury.

It appears that the main point of the affidavit was to describe the status of the pre-ARMS e-mail reconstruction and how searches requested by the plaintiff would be conducted. In hindsight it would have been a good idea to include information in the affidavit regarding the status of the Mail2 problem. However, the omission of that information is a far cry from perjury.

Then I understand an issue has come up with the Armstrong case and what was the requirement placed on the White House. And in that case—and I was able to read this from the case—whereas Federal records are subject to strict document management regime, supervised by the Archivist, the Presidential Records Act accords the President virtually complete control over his records during his term of office. That's from the Armstrong case. Neither the Archivist nor an agency head can initiate any action through the Attorney General to effect recovery or ensure preservation of Presidential records. So, it would appear that, even though the case didn't apply to the Presidential records, the White House was still trying to create a system where they would treat the Presidential records the same as they would any other Federal records.

And then just on this point about the Justice Department launching an investigation in order to keep a real investigation from taking place, I think we all ought to remember that there's still an independent counsel, Mr. Ray; and he's investigating whether he got all the information to which he was entitled.

So even if you accept this theory that Justice is not doing the job—and I don't accept that theory that's a huge leap—but if you accept that theory, the fact of the matter is there is an independent investigator out there looking to see whether the e-mails were properly turned over and whether there's information that the independent counsel didn't receive pursuant to its investigation.

I see my time has expired, Mr. Chairman. I'll come back later with another round.

Mr. BURTON. Mr. Shays.

Mr. SHAYS. Thank you, Mr. Chairman.

Ms. Nolan, I have low expectations; and if I do, I don't get frustrated. I still don't know who hired Craig Livingstone. And I'm dealing with a White House that would send a President a memo from Phil Caplan entitled, DNC Finances. And he said, "Of this amount, \$2 million will be used for campaign, \$1.5 million for campaign winddown and compliance/audit, and \$1 million for potential fines." So we had a White House that knew they were going to break the law. I certainly knew a campaign that would have to pay fines to do it.

So my expectations are pretty low. But I would like to try to get some basic information. One of them is, I want to identify this document. You make reference to it. We sent a letter on March 21st to James Wilson, the chief counsel.

Ms. NOLAN. Can you tell me what document you're referring to, Mr. Shays?

Mr. SHAYS. It's NG-1.

Why don't we put it up on the board? Just that first page is good enough.

Tell me what this document is. This was sent to us by the associate counsel to the President, Dimitri Nionakis.

Ms. NOLAN. Nionakis.

Mr. SHAYS. Nionakis, thank you. So Mr. Nionakis sent this to us. You made reference to it in your testimony. Tell me what this document is.

Ms. NOLAN. I'm sorry, sir. I don't remember making reference to it myself other than in response to a question, but I can.

Mr. SHAYS. Turn to the bottom of page 6.

Ms. NOLAN. Page 6 of my testimony.

Mr. SHAYS. Your testimony. I would like you to read it, read all of 2.

Ms. NOLAN. Oh, yes, sir. I do remember this now.

Mr. SHAYS. Would you read it, please?

Ms. NOLAN. "Absent a search of back-up tapes, we cannot currently estimate how many e-mails were affected. Late Friday, March 17, N-G counsel provided OA with a document that appears to reflect that on June 18, 1998, an N-G employee reviewed the affected ARMS managed account on the server and counted the number of affected e-mails on the server at that time. I have been informed that OA and IS&T personnel were previously unaware that that document existed or that anyone had estimated the number of unrecorded e-mails. Although we cannot attest to the accuracy of this document, we provided it to you yesterday."

Mr. SHAYS. Now, do you have any reason to doubt the accuracy?

Ms. NOLAN. No, sir.

Mr. SHAYS. OK. It says, "I have been informed that OA and IS&T personnel were previously unaware that that document existed or that anyone had estimated the number of unrecorded records." That same language, "I have been informed that OA and IS&T personnel were previously unaware that that document existed or that anyone had estimated the number of unrecorded e-mails," we have two different "I's" with the same sentence—that's 6. Now, let's just deal with—

[Exhibit 61 follows:]

THE WHITE HOUSE
WASHINGTON

March 21, 2000

BY HAND

James Wilson, Chief Counsel
Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Wilson:

I enclose the Executive Office of the President's (EOP) initial production of materials in response to the Committee's March 9, 2000 subpoena. The documents bear control numbers E 0001-3396.

As I explained to you during our telephone conversation on March 10, 2000, in an effort to accommodate the Committee's request for these materials, we have expedited the EOP's search. As we further discussed on March 15 and yesterday, the EOP will continue producing documents to the Committee on a rolling basis as we complete our search. We anticipate producing more materials by close of business Monday, March 27, 2000.

In further response to the Committee's question about the number of affected e-mails, we want to inform you that on Friday, March 17, 2000, N-G counsel provided the EOP's Office of Administration (OA) with a document created by one of its employees. This document appears to reflect that on June 18, 1998, an N-G employee reviewed the affected ARMS-managed accounts on the server at that time. I have been informed that OA and IS&T personnel were previously unaware that this document existed or that anyone had estimated the number of unrecorded e-mails. Although we cannot attest to the accuracy of this document, it appears that it lists, among other things, for each affected account existing on or about June 18, 1998: (1) the date of its creation, (2) the total number of e-mails existing on the server, and (3) the total number of e-mails existing on the server that were not captured by ARMS. This document is included in today's production and bears control numbers E 0009-81.



James Wilson
March 21, 2000
Page 2

If you have any questions, please call me at 202-456-5814.

Sincerely,

A handwritten signature in black ink, appearing to read "Dimitri K. Nionakis". The signature is fluid and cursive, with the first name "Dimitri" being more prominent.

Dimitri K. Nionakis
Associate Counsel to the President

Enclosures

Ms. NOLAN. I'm sorry, 61 is?

Mr. SHAYS. It's just the same sentence. It's just from Nionakis. He said the same thing. That was in his letter of transmittal. It's interesting you both use the same sentence but "I" is you and "I" is him. So I want to know who you spoke with, who informed you.

Ms. NOLAN. Mr. Nionakis, sir.

Mr. SHAYS. So Mr. Nionakis informed you that OA and IS&T personnel were previously unaware that that document existed or that anyone had estimated the number of unrecorded e-mails. That's—

Ms. NOLAN. Previously unaware that anyone had.

Mr. SHAYS. Who told you?

Ms. NOLAN. Mr. Nionakis, sir.

Mr. SHAYS. So Mr. Nionakis says, I have been informed that OA and IS&T personnel were previously unaware that this document existed or that anyone had estimated the number of unrecorded e-mails. Would he tell me that you told him that?

Ms. NOLAN. No, sir, I don't believe he would.

Mr. SHAYS. What do you think he would say?

Ms. NOLAN. I believe that he spoke with the general counsel of the Office of Administration.

Mr. SHAYS. Now, this document has a lot of names in it. Why don't you just tell me what it means, that first page?

Ms. NOLAN. Let me make clear this is a document that a Northrop Grumman employee provided. It's not something we produced.

Mr. SHAYS. You have no interest in this document?

Ms. NOLAN. I did not say that, sir. I just said I want to make clear, if I'm going to answer questions, that it's not something that I produced or that I'm going to be telling you what I know from the document.

Mr. SHAYS. Fair enough. I think that's fair to point out.

My interest is just knowing if you have enough interest to know about this document. Because really what the White House has consistently done is it has simply chosen not to know information. Then they don't have to share information. So I'm interested that—

Mr. Chairman, my time has run out. I wonder if my colleague would yield me his 5 minutes.

Mr. LATOURETTE. I would be happy to yield it Mr. Shays.

Mr. BURTON. Mr. LaTourette will yield.

Mr. SHAYS. Let's just take Dorian Weaver. It has 441, the number of 441.

Ms. NOLAN. I'm sorry, sir, where are you on it?

Mr. SHAYS. Third name down. What does that mean?

Ms. NOLAN. What does 441 mean?

Mr. SHAYS. Yes.

Ms. NOLAN. I believe that the 441 refers to the e-mails that were not captured by ARMS.

Mr. SHAYS. So now if I turn to page 304 of that document—

Ms. NOLAN. Pardon, sir?

Mr. SHAYS. If I turn to page 304 of that document, I see on the document Phillip Caplan, the same one I believe who wrote that memo. I call it the ugh memo because alongside of it is the Presi-

dent's handwritten ugh when he learned that they would have to pay set aside \$1 million for potential fines. So—but turn to this document here. Do you see the name Phillip Caplan at the bottom?

Ms. NOLAN. Yes, sir.

Mr. SHAYS. What's the number you see there?

Ms. NOLAN. I see 944 and 5559.

Mr. SHAYS. And may I make an assumption that that's potentially 944 e-mails that he sent the White House that we haven't yet seen?

Ms. NOLAN. Again, you know, I'm not the creator of this document. I am not the best person to answer these questions.

Mr. SHAYS. No, you are the best person to answer this question.

Ms. NOLAN. The assumption is wrong. Because sir, it—my understanding is that the 944 reflects e-mails that came in to him, not e-mails that he created.

Mr. SHAYS. E-mails that came in.

Ms. NOLAN. From outside the complex.

Mr. SHAYS. So we got some e-mails. We just didn't get these e-mails.

Ms. NOLAN. We don't know if we got these e-mails or not.

Mr. SHAYS. You probably don't care to ever find out.

Ms. NOLAN. Sir, we have hired a contractor to restore the backup tapes and make them searchable so we can do that. I certainly do care that we find—

Mr. SHAYS. Why should I feel moved by what you said when we had Insight Magazine that a year ago talked about this and then we had Washington Times that had a story—but this time, unlike Insight, they have a name, Sheryl Hall. She broke the story, and then you people tell us the problem. You didn't come first. We had to read about it in the newspaper, didn't we?

Ms. NOLAN. Sir, that's when I learned of the problem.

Mr. SHAYS. But isn't it true—

Ms. NOLAN. No, I don't understand what you're saying is true.

Mr. SHAYS. Isn't it true that this was a problem that existed for a long period of time? The White House knew for a fairly extensive period of time. We have testimony I believe from last week that two personnel from the White House were told of this document—you don't have the document. OK.

The question I have is that the first time we learned about it was through a newspaper story. And it's your story that the first time you learned about it was through the newspaper?

Ms. NOLAN. It is my testimony that the first time I learned of it was with respect to the litigation. I don't know if it was in the newspaper.

Mr. SHAYS. When was the first time that John Podesta learned of it?

Ms. NOLAN. As I testified earlier, John Podesta—

Mr. SHAYS. June 19th, 1998. That's when he learned of it.

Ms. NOLAN. He learned of some problem, sir. I don't know—I can tell you this: In the past month, my understanding of the problem has grown quite a bit.

Mr. SHAYS. What is the date on the front page of this document?

Ms. NOLAN. This document was provided to us less than 2 weeks ago, sir. Less than 2 weeks ago.

Mr. SHAYS. What is the date of it? At the top of it?

Ms. NOLAN. I don't see a date. Oh, 6/18/98.

Mr. SHAYS. Right. Now, I had made reference to you of 246,000 e-mails. And you said, well, you didn't know how many. Why wouldn't you have counted these up?

Ms. NOLAN. Sir, this reflects the count that was done by Northrop Grumman employee on a particular day. There are 3,400 back-up tapes. There may well be e-mails on those that aren't reflected here.

Mr. SHAYS. I understand. But I'm just curious why you wouldn't have wanted to know how many we were talking about. Are we talking about 50? Are we talking about a few thousand? Why don't you have any curiosity to find out these—I would have wanted to know, if I were you. I would have wanted to know how big the potential universe is.

Ms. NOLAN. Mr. Shays, I want to know, too. That's why we have a contractor, to look at those 3,400 or more back-up tapes and find out. That's the way we'll know.

Mr. SHAYS. This document includes 247, give or take, 46,000 potential e-mails. Correct?

Ms. NOLAN. I don't know that, sir.

Mr. SHAYS. Because you didn't count them. Their numbers are right here. You haven't asked anyone to just add them up.

Ms. NOLAN. I have not added them up, sir.

Mr. SHAYS. You did not ask anyone else to.

Ms. NOLAN. I did not ask anyone.

Mr. SHAYS. How come?

Ms. NOLAN. Sir, I thought—you know, what I wanted to do is see that we get those back-up tapes restored and searched, and that's what I'm doing. If you want to count e-mails on a particular day, you can do that. But that is not going to answer the question.

Mr. SHAYS. Bruce Lindsay—

Mr. BURTON. Excuse me. I have the next round, and I'll yield to my colleague.

Mr. SHAYS. I mean, just going through them, my curiosity—

Ms. NOLAN. Can I answer two questions?

Mr. BURTON. If the gentlemen would yield, I understand that the witnesses need to take a quick break, and if that be the case—

Mr. SHAYS. Let's do that.

Mr. BURTON [continuing]. We'll allow them, if we could, 5 to 10 minutes for that. And whatever questions you have of the Chair we'll answer when you come back.

Ms. NOLAN. Thank you very much, Mr. Chairman.

[Recess.]

Mr. BURTON. The committee will reconvene.

Mr. Shays, you have my time.

Ms. NOLAN. Mr. Chairman, can I make the—

Mr. BURTON. Yes, hold it just a second. Yes, ma'am.

Ms. NOLAN. You had asked or the committee had asked two questions. I said I would try to get back to you today.

Mr. BURTON. You have the answers.

Ms. NOLAN. Sandy Paxton left the White House on January 4, 1999.

Mr. BURTON. OK.

Ms. NOLAN. And Michelle Peterson was the counsel's office lawyer working on the case at the time that the Barry affidavit was done.

Mr. BURTON. So she——

Ms. NOLAN. She worked on the case. I don't know yet whether she worked on the affidavit. But she was—she was the counsel's office lawyer who was responsible for that case.

Mr. BURTON. Well, the thing is——

Ms. NOLAN. So if it was somebody in the counsel's office it would have been Michelle Peterson.

Mr. BURTON. The reason I would like to have a definitive answer from both of you today is because we're going to have more hearings, but I want to minimize those. If we bring more people in, we say, it wasn't me, it was somebody else. We have to go through this again and again. I mean, we're going to be consistent and follow through to get as many of these answers as possible. So, Mr. Raben, have you found out anything?

Mr. RABEN. No, I sent a gentleman to check, and we're waiting on an answer, sir.

Mr. BURTON. You'll inform us as soon as you're ready.

Mr. SHAYS.

Mr. SHAYS. Thank you.

Ms. NOLAN, you may have misspoke, and I don't want to try to trap you into misspeaking. You said the first time you learned about the problem was reading it in the newspaper on March—on February 15th. Is that your testimony?

Ms. NOLAN. No, sir. You said that, sir. I don't believe I said that. I said that the first time I learned about the scope of the problem was following the filing in the case. I was briefed in February. I'm not sure——

Mr. SHAYS. Weren't you briefed in January?

Ms. NOLAN. I was briefed in January, as I testified this morning, about a post-presidency transition.

Mr. SHAYS. You were briefed that there was a problem with the Mail2 issue.

Ms. NOLAN. I was briefed on the Mail2 and letter D problem but not, sir——

Mr. SHAYS. So we found out after the story. You found out before the story.

Ms. NOLAN. I did not find out the scope or nature of the problem, no, sir.

Mr. SHAYS. So you said there were—the scope is 526 total users affected. That's a pretty large scope.

Ms. NOLAN. Earlier, sir, you thought that the scope was how many e-mails——

Mr. SHAYS. No, but that's the users. So your noninquisitive mind is really demonstrated here.

Did you find——

Ms. NOLAN. That's the first person who has accused me of that, sir.

Mr. SHAYS. Well, I'm accusing you of it.

Ms. NOLAN. I hear it. I hear the accusation, sir.

Mr. SHAYS. And the accusation is very clear. You were given a document ultimately that had thousands, hundreds of thousands of

names. Let's just go through some of these names. I would think you would have wanted to go through it. Phillip Caplan, who wrote the ugh memo, he had 944; Bruce Lindsay, 17; Betty Curry, 811. Boy, I would love to see some of these e-mails.

Ms. NOLAN. I am informed, sir, that these e-mails——

Mr. SHAYS. I'm not finished. Erskine Bowles, 161; Ira Magaziner, 3,693; Bill Clinton, 2.

Now, see, the reason I'm speaking this way is it is only, you know, that one memo from Mr. Caplan I'm sure people didn't want us to get when they acknowledged that they knew they were going to break the law and be fined a million dollars potentially. So you know, even one out of 246,000 might be very interesting for us to see, might be pertinent to all these investigations.

What did you want to say?

Ms. NOLAN. Mr. Shays, I wanted to say, first of all, memos by Mr. Caplan would have been captured because it's only e-mail coming into the system that was affected by the Mail2 and letter D problem.

Mr. SHAYS. Is it your testimony that he never sent e-mails from outside the White House to the White House? He sent e-mails back and forth from outside and inside? I mean, clearly you're not saying that to us.

Ms. NOLAN. It's not my testimony. I have no idea what his practice was.

Mr. SHAYS. So do you want to withdraw the statement you just made implying——

Ms. NOLAN. I wouldn't like to withdraw it, sir, but I'm certainly happy to be more specific. E-mail written by Mr. Caplan in the EOP would have been captured by an ARMS search, as I understand the ARMS system.

The second thing I would like to say——

Mr. SHAYS. If he sent them outside, they wouldn't be captured.

Ms. NOLAN. No sir, they would. It's only e-mail that came into the complex. That's exactly what I mean about how difficult it is to understand this problem.

Mr. SHAYS. If he sent them from outside to in.

Ms. NOLAN. If he sent them from outside to in during the relevant periods, they would not have been captured by ARMS. Unless—but they may have been left on the server, they may have been captured because they were forwarded or because they were replied to with history.

The other thing I wanted to say about these numbers is that I understand that the numbers refer to how many incoming e-mails there were on somebody's server, not necessarily how many incoming e-mails had not been captured by ARMS.

Mr. SHAYS. So your point is that the number is going to be less, and I agree with that. I mean, you may find that this number of 246 will be reduced because you have an e-mails found in individual PCs. You may find it's reduced because you have e-mails found attached to sent e-mails with history. You find it reduced because e-mails found in printed files. You may find it reduced because e-mails retrieved from back-up tapes. All of that may be true, but given the extraordinary number of e-mails they're probably going to be thousands and thousands and thousands that aren't.

Mr. BURTON. Mr. Shays, we'll get back to you. We are now going to the long-suffering Mr. LaTourette.

Ms. NOLAN. May I make something clear, sir?

Mr. BURTON. Sure.

Ms. NOLAN. The left column, as I understand it, is total e-mail; and the column under the name on the record we're looking at, as I understand it, is unrecorded e-mail.

Mr. BURTON. Before we go to Mr. LaTourette, I just want to clarify one point that you made. You said that a contract had been signed and that it was going to take approximately 6 months and that they were going to be going through these e-mails in batches, starting with the most current and going backward, is that correct?

Ms. NOLAN. The timing of what e-mails will go through or what back-up tapes has not been determined yet, sir. It is correct that a contract was signed this week and that—

Mr. BURTON. Who will make that determination?

Ms. NOLAN. We will—the counsel's office will work with the various investigative bodies and the Office of Administration who's administering the contract.

The first thing they have to do is get the back-up tapes on a system, as I understand it, and figure out what dates they reflect and that kind of thing. We just don't have that information yet.

Mr. BURTON. We'll need to talk to you about that later.

Mr. LaTourette.

Mr. LATOURETTE. Thank you, Mr. Chairman.

Ms. Nolan, I was out of the room after the votes. Did you find the information that Mr. Waxman's question—that is, how many e-mails from the Office of the Vice President have been turned over?

Ms. NOLAN. I haven't gotten that answer yet, Mr. LaTourette.

Mr. LATOURETTE. When you do do that, could I add a couple of additional requests, that is, that in—that sort of you can tell us how many were from the Vice President himself, Mr. Gore. And, two, if you could supply to the committee in writing the names of the three e-mail users who have accounts created after 1997 but who are not being captured by the ARMS system from the Office of the Vice President—if you could supply that to the committee, I would appreciate it.

Here as I have been listening that the problem that I continue to have and I think some of my colleagues continue to have is that—over this assertion that when Mr. Haas does this manual search that everything that he finds is duplicative. Here's why I have trouble with it.

Mr. LATOURETTE. The reason that this problem became—people became aware of it at all was Mr. Barry finds two—one side of a conversation that Monica Lewinsky is having with someone in the White House. And so not within the White House complex is this missing e-mail, that is, the one that's come in, that's how this problem came about. So for someone then to go on to the server and say that you dredged up, with the name of Lewinsky or Betty Curry or whatever, you dredged up this entire body of information, that can't be right because the problem is the stuff that was coming in isn't there any more.

And the reason is, just to go one step further, when we were talking to Mr. Haas, he said that when the White House got a doc-

ument request they would ask for people—for instance, if there was something relative to your computer, could you please check your hard drive and see what's located there. But if you deleted it before the end of the business day, when the server kicks in to run the back-up tape, it's gone. I mean, it's nowhere unless it's been captured by ARMS, and these things weren't captured by ARMS. So they are just gone.

And that's the difficulty that I think that we're having when you say that it is duplicative. And I just want to turn your attention to——

Ms. NOLAN. Mr. LaTourette, may I just mention that it is gone, unless, as I said, it was forwarded or replied to with history and that kind of thing.

Mr. LATOURETTE. Again, I'm sort of computer stupid, but I know that at the end of every day when I shut down my Microsoft exchange or whatever it is, it deletes everything in my deleted section, they're gone, and then the server in my office backs things up at five o'clock every night. So anything that I've deleted from my computer during the course of the day isn't backed up anywhere, it's gone, you're right, unless I've maintained it or forwarded it or done something else.

But to suggest that that happened to all of them I think is not—doesn't comport with what the reality of the user system is.

If you could look at an exhibit that we've marked WH-3——

Ms. NOLAN. Let me find it.

Mr. LATOURETTE. Sure.

Ms. NOLAN. I have it.

Mr. LATOURETTE. Do you know who the author of that document is, WH-3?

Ms. NOLAN. They were drafted by Dimitri Nionakis, an associate counsel.

Mr. LATOURETTE. All right. And, specifically, if I could turn your attention to the beginning and something on page two called the Affect on Searches to Respond to Subpoena Requests. About the, oh, the second question under that: "but if you didn't search these e-mail, you haven't really complied with all the subpoena requests."

The answer is: "that isn't really accurate. When we search for responsive materials, in addition to the ARMS search, all individual users are told to search their own computer records. So a search should have covered everything on the server at that time, including any undeleted incoming e-mails." Which is what we've been talking about, any undeleted incoming e-mails.

The next question is: "what if they were deleted before the search of the server?"

And then the answer is: "then it would be the same as someone tossing out a piece of paper that they didn't need anymore."

"did you search the server to see if they were still there?"

And then this question is the one I want to—the answer is: "as we've told congressional committees and independent counsel, the server could only be searched manually, and we don't have the time or the funds to perform manual searches for every subpoena request."

And this document was prepared for what, the White House counsel's office?

Ms. NOLAN. It was prepared as talking points, I believe, for press discussions. It only stayed in draft. We didn't use it. So we never finished it.

Mr. LATOURETTE. But the fact of the matter is, in response to subpoenas or requests, be it from a court or a congressional committee, as I understood it, a memo would go out and say, hey, we've gotten a subpoena, please search your hard drives. And people would look at their hard drives. But if they weren't there, we wouldn't find them. But there was no obligation then, nor was anything done to search the servers because of the time and expense.

Ms. NOLAN. Yeah. It seem like that there was some confusion about that.

I'd like to try to clarify it if I can. I am not sure my computer expertise is any different from the one you said you have.

When an EOP user turns on his or her computer, there are e-mail accounts, there are word processing accounts. The e-mail accounts—my e-mail, when I open my computer and turn it on and go to my e-mail, all that e-mail actually resides on the server. It doesn't reside in my hard disk on my PC. But if I'm told to search my e-mail, I go to my e-mail account and search that e-mail. It physically resides on the server, but to me and to any average, normal person, I think, it looks like that is the e-mail on my computer.

So there's a technical difference between what's on your PC and what's on your server but not a real-life difference to people who are doing the searches of their own computers.

Mr. LATOURETTE. If I could just ask one more question, Mr. Chairman.

This is the point. I think you're exactly right, and you do appear to have as much knowledge as I do about computers, but that stuff is on the server. It's not on your computer after you've gotten rid of it.

In other words, if you sent me an e-mail, I open it, I write back to you, but then I delete that string, that correspondence, it may be on your server and my server—not mine if you have sent the e-mail—but it's no longer on my computer, and there's no way I can retrieve that from my computer.

Ms. NOLAN. If I delete an e-mail, I'm deleting it from the server as well as from my computer. There's no difference.

Mr. LATOURETTE. Unless—OK, unless—I would say this. Unless you left it at the end of the business day, the system backs up.

Ms. NOLAN. Then it's on a back-up tape, sir, but it would not be on the server anymore.

Mr. LATOURETTE. OK. My time's up. I'll come back later.

Mr. BURTON. OK. Mr. Barr.

Mr. BARR. I'd like to yield time to the gentleman from—where is it? Somewhere in the Midwest, Ohio?

Mr. LATOURETTE. It's Ohio, Mr. Barr. It is right on top of Georgia almost. And I thank the gentleman for yielding.

I want to talk a little bit about something we were talking to Mr. Mark Lindsay about when we was here last week, and that is, he talked about a prioritization list. In other words, although what was the matter with the system didn't apparently come to Mr. Ruff's attention, according to what he's told you, Mr. Mark Lindsay had a very good understanding of, that this was a two part prob-

lem. One is, and they called it stopping the bleeding, that is, to make sure that all incoming e-mail was captured by the ARMS system, and that's what cost \$600,000, and they worked real hard on them, and some people said they called it project X after the X files and all that other business.

But the second part was the reconstruction of all of the stuff that hadn't been captured in over 2 years, and Mark Lindsay understood that, and he indicated that he had a series of meetings with people, and this was sort of like when one of those honey-do lists that, OK, we have to do this with our computers, we have to reconstruct the e-mails that we didn't do to put them into the ARMS system, we have to do that. And I think he used the word mission-critical. He said that there was a list established that identified mission-critical things that needed to be done.

One thing that he recalled was there was a Cabinet meeting, apparently, and the Vice President said, you know what, there's going to be a poster child for Y2K non-compliance, and I'm going to tell you right now, it's not going to be the White House, and so you guys get your act together and make sure we're all squared away.

So Mr. Lindsay spent a lot of time getting Y2K compliant. He did a lot of other things, but he told us last week that he knew that this was a problem, but he didn't do anything to reconstruct this MAIL2 server problem because it wasn't mission-critical. Do you have any knowledge of that whatsoever?

Ms. NOLAN. I have knowledge of something around that, Mr. LaTourette.

Mr. LATOURETTE. Why don't you tell us what you know?

Ms. NOLAN. That—it is my understanding that the Office of Administration made a determination that it would first do all necessary Y2K compliance and then begin the reconstruction of the e-mail. It's my understanding that they thought of it as a historical matter, a Presidential records historical matter and Federal records, and they were really thinking of Federal records, I think, and that the Office of Administration, therefore, did not see this as something that had to be done immediately.

Mr. LATOURETTE. All right. Knowing what we know today as we all sit here and the knowledge that you've gained, that probably wasn't the smartest decision in the world in terms of it was something that needed to be done to adequately respond to subpoenas and other requests for documents from the White House, didn't it? I mean, we're not unclear on that?

Ms. NOLAN. I think there was a disconnect between those who were doing the searching for subpoenas and those who were handling the computer issues, yes, sir.

Mr. LATOURETTE. I think that's right. And one of the things that came up in the hearing that—it's not comical because it's—again, there was a lot going on with this administration in terms of people wanted documents and were entitled to documents relative to investigations, legitimate investigations.

One of the things that—there's a document, I think it's labeled exhibit 80, that at the time that people were being told that this wasn't mission-critical and we were going to do other stuff, Northrop Grumman was directed to get the White House Christmas

card list in order rather than reconstruct the problem with the MAIL2 server. That's right, right?

Ms. NOLAN. I'm sorry, sir. I hadn't seen that document before.

Mr. LATOURETTE. OK. Well let me—maybe if the fellow who is helping you can get out exhibit 80.

[Exhibit 80 follows:]

NORTHROP GRUMMAN

EOPNG-98-0037

To: Devere Patton
COTR

From: Stephen O. Hawkins
Project Manager

Date: August 28, 1998

Subject: Weekly Report (August 20-26, 1998)

Program Management

The Logicon (Northrop Grumman) Y2K project continues in accordance with the established list of systems. Support for this project throughout the EOP organization continues to be excellent.

The following system evaluations are basically considered completed. Copies of the write-ups and diagrams are being given to the application POC for final review.

- Document Tracking (OA General Council)
- E-Mail Reconstruction
- EOP Taxable Parking Benefit Tracking
- External Mail Log
- First Lady's Correspondence Photo Database
- Publication Tracking
- WHO Intern Database
- WHO Parking (Approach)
- WHO Tour Tracking
- WHO Volunteer Tracking

The following systems were found to be inactive, and officially retired:

- WHO Committee Appointments
- WHO Document Tracking (First Lady)

The Production Control Group job evaluation continues to absorb resources. The nesting level of calls from one program/script to another has increased the complexity well beyond expectations. However, many of the smaller systems continue to take less time than expected. The net result is no effect on planned project completion.

The weekly "snapshot" of the "Working Draft" copy of the Final Report, with current copies of all diagrams, was provided for interim review to the Government. In accordance with the Project Plan, this report will be a living document, which will be updated at least weekly and provided to the Government for continuous review and comment.

Logicon received a 3.90 rating on the Customer Service ratings (Blue Cards) out of a possible 4.0 rating. They received a total of 10 Blue Cards from the EOP Customers who received service

NORTHROP GRUMMAN

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NGL 00112



from technicians. The COTR has requested to review the Blue Cards prior to Logicon reporting the card results in the weekly report. Logicon will present the Blue Cards to the COTR on Wednesday morning each week. Additionally, the Blue Card rating history file is available to all OA/IS&T management personnel for their review.

Logicon provided continued support in drafting the EOP IS&T Software Configuration Management (SCM) Tools report. This report completes the study initially begun by the Y2K Assessment Team to recommend a COTS SCM tool to support that program. The report extends the initial requirement to include the needs of EOP for all development and maintenance efforts. The report defines the SCM requirements, criteria for selection of the tool(s), descriptions of the various tools evaluated, and a cost to ownership analysis.

Logicon completed and delivered the FY 99 E-Mail Reconstruction IWO to the COTR Tony Barry. The IWO provides the government with an overall project schedule and cost proposal to complete the E-Mail Reconstruction Project.

Operations Management

Presently, operators refer calls to reset passwords to the Help Desk on-call person. Operations coordinated with various groups (mainframe, VAX, Lotus Notes, network, security, etc.) to obtain authority, permissions and procedures for resetting users' passwords when they need assistance. We are in the process of putting together a training plan for the operators that includes instructions for authenticating the identity of the user who calls in for help and procedures for resetting their passwords. We will implement this process after all security procedures have been written and approved.

The Operations Team continued to provide facilities management support for the contract. They are working with the Configuration Management Team to establish standard, documented procedures for assigning and returning project pagers.

The Operations Team completed identification of requirements for tape labels in the Data Center. There are 13,024 tapes with homemade white labels that need to be exchanged for more reliable, color coded, preprinted labels. This week Operations completed a Goods and Services Request to purchase enough labels to replace the white ones and have a supply on hand for future tapes.

Operations has a Blanket Purchase Agreement (BPA) with Control Point Associates for 24 X 7 on-site repair services and semi-annual preventive maintenance inspections on a BEST Power UPS system in the Data Center. They placed a call to Control Point to schedule their final inspection visit before the BPA expires on September 30, 1998.

The Senior Shift Supervisor for the Data Center placed a call to First Federal Data Services Company to request an update to the First Federal Authorization List and to request I.D. badges for Logicon employees. Tamper resistant, photo identification badges with encrypted security classification codes are made by First Federal to allow any First Federal driver to immediately determine the authority of a client representative to accept or make deliveries of off-site storage tapes.

Network Infrastructure and Server Status

Infrastructure

The Logicon (Northrop Grumman) infrastructure team continued to monitor the three core routers for the CPU utilization and FDDI traffic. A replacement FDDI card for the OEGB router arrived on-site. The infrastructure team will request CMC approval will to install the new board

this week. Then, they will monitor OEOD router and FDDI traffic to determine whether the new board results in any significant changes in performance.

The Logicon infrastructure team replaced a repeater in room 128 of the OEOD. They grounded it to prevent potential damage due to power problems that may exist in the OEOD.

Over a week ago, the Logicon infrastructure team determined problems reported from the second floor of the West Wing were caused by the Network Management Module(NMM) in the concentrator. Logicon could not gain access to the wiring closet because our escort is no longer on the Secret Service access list. They are attempting to resolve the escort issue to effect the repair.

To correct a problem with CORRESPONDANCE printer in room 457 (Gift Unit) of the OEOD, the Logicon infrastructure team reconfigured terminal server SEROB5 port 3 for that printer. After moving the printer cable to port #3 and directing the Quroum server to recognize the new port, the printer was returned operation.

The Logicon infrastructure team assisted Jim Cole in the configuration of the Cisco 3640 router to support the Vice President. Due to the communications upgrades in progress to the RDS data links, the Vice President's WAN link had to be moved from the RDS router to a different router.

Server

The Logicon server team continued investigation the feasibility of upgrading the OMB 2001_A/OMB_F file servers over Labor Day weekend - the same weekend 2001_B file server is scheduled to be upgraded. They are calculating the time required for each upgrade to determine the feasibility of multiple upgrade during this weekend. They will make a decision by August 31 after reviewing progress on the OMB migration.

The Logicon server team developed an implementation plan for the RDS NT server and BDC installation. After the server is received, the team will load it and "burned it in" for the remainder of the week. The server is expected to be in place and fully functional early next week.

To prepare for the 2001_B server upgrade, the NSG provided support to the OMB Network Support Staff (James Reed). They verified all printers are functioning as TCP/IP printers prior to the migration.

Although the number of calls seem to be dwindling, the Logicon server team continues to provide support for the outstanding Netscape problems. The new problems continue to be with the Acrobat Reader with Javascript errors. The Logicon server team believes the Java errors are version specific to Netscape 4.01 and could be remedied if Netscape were upgraded to its most current version (4.05).

The Logicon server team continued work on OMB's 2001_A, 2001_B, and OMB_F Novell to NT migration. The server team determined trustee file rights for groups and determined all unnecessary groups that will be eliminated. They identified all users that have not logged in to the server since the first of the year and those who do not use the server as their home server, so unnecessary users shares will not be recreated.

Lotus Notes Administration/Cabinet Affairs

The Logicon Notes team visited the Department of Justice to install client software. The primary network administrator is out on maternity leave and the backup administrator needed additional training.

The Logicon Notes team submitted an OA65 to allow internet mail access to WHO.GOV. The team is working with Internet Security to give agencies access in order to e-mail their weekly report information to Cabinet Affairs over the internet. Information will be mailed to Intern_Weekly_Report@CAB.EOP.GOV. By giving Agency Internet access to some of the Cabinet affairs applications we diminish the need to install Lotus Notes on each client. This will reduce software cost for the agencies and technical support cost for Cabinet Affairs.

The Logicon team moved 32 OA users from Mail3 to Mail5. A hand full of users have disallowed EOP Administrators access to their mail files. All other users have been e-mailed, but have not responded. Currently only 44 mail files totaling 194 MB are left to move from Mail3 to Mail5.

The Logicon team completed a Remote Delivery Site (RDS) Lotus Notes installation plan. A Lotus Notes team member then submitted the implementation plan to Logicon management and Government Network Engineering personnel for review. The RDS server is tentatively scheduled to be installed the week of August 31.

The Logicon Lotus Notes team produced several new reports at the clients request to show FAX failures and percentage of utilization by individuals. These reports will be used in an effort to improve the percentage of successful FAX transmissions by the LOTUS FAX server.

The Logicon Lotus Notes team provided detailed personal instructions for finding names in a FAX address book. This instruction will allow people to search for a name in ALL FAX address group contained in one address book. This will facilitate interaction with users to correct the bad entries in their fax list.

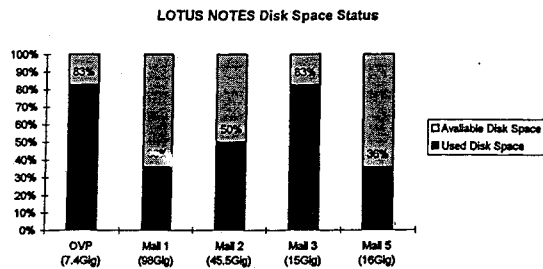
The team continued development work on the Logicon Task Tracking application. The team converted project list Microsoft Excel spreadsheet to a Lotus Notes database. The team members worked with Logicon management to beta test the application and solicit design improvements. The improvements include consolidating the capability with two other Lotus Notes process improvement efforts. Logicon implemented a Lotus Notes application to aid the generation of weekly and monthly status reports. They also began implementation of a Lotus Notes Web Service Request application. The integration of the Task Tracking, Status Report and Service Request applications will provide an automated process to receive, track and report status for all projects. Logicon will also investigate integrating the beta IWO Automation application that was developed to track the hours expended against each IWO under the contract. The task tracking is the first step into linking each task back to an authorized IWO. The integrated solution will also provide management visibility into the amount of routine maintenance activities that are performed in addition to the other scheduled projects and IWOs.

Logicon developed a plan to provide OVP with the ability to WAVE visitors using Lotus Notes. At this time the OVP mail databases do not use the same design template as the rest of EOP (due to records management issues) and as a result do not have the WAVE form in their mail file. Logicon developed two approaches to resolving this problem. The first approach is to modify/create an OVP template that includes the WAVES form and meets all records management requirements. The second approach is to create a separate OVP Waves database that will contain all OVP Wave requests and responses from the USSS. Logicon will use the second approach if the records management issues can not be resolved by 1-Sep-1998 (this is the cutoff date for USSS accepting WAVES requests via Fax).

The Lotus Notes team continued the development of the Holiday Card Application. They met several times with IS&T technical representative Jackson to demonstrate and to further refine the application's design and user interface. On Monday, August 24, they demonstrated the Holiday

Card Application to EOP's management. Attendees of this meeting included Kathy Gallant and members of the Help Desk, among others. The application was very well received. Another demonstration was held, on Wednesday, August 26, for OA's Director Ada Posey who praised the organization for their development. The new Holiday Card application will be rolled out to all EOP users and is a vast improvement over the previous All-In-1 application. The Lotus Notes application has a friendlier user interface, is faster and allows the end-user to review and/or edit the list of names prior to final submittal.

The following chart depicts the Lotus Notes Mail Server Disk Status for Week Ending 8/26/98.



EMAIL

The Logicon e-mail team monitored operations of the Lotus Notes SMTP MTAs on four LNGATE servers to keep the mail flowing smoothly. The team rebuilt SMTP platform; SMTPBWQ.NSF, and SMTPOBWQ.NSF on each server when the databases exceeded 2MB. The team compacted and rebuilt arms.nsf daily at about 6:15am as mail traffic permitted.

The Logicon team continued to work on a prototype system to provide Lotus Notes access to Presidential, Vice-Presidential, and First Lady Internet email. They are preparing a demonstration system to provide WHO and OVP staff to facilitate email correspondence and answer design questions.

The Internet Anti-Storming system was backlogged due to a disk failure on Storm and a full disk on Whitehouse.gov. Approximately 12,000 messages were sent to the President and other principals. An additional 4,000 messages were sent to EOP.GOV staff during the same time. The mail queues on Storm were stopped for EOP.GOV traffic. EOP.GOV users, including Presidential, First Lady, and Vice Presidential Correspondence users on All-in-1 to eliminate the Presidential backlogged messages. Lotus Notes users could not receive their Internet email because of the stopped mail queues on Storm. Internet e-mail for EOP.GOV staff could not be released until the Anti-Storming system could properly route the mail. The EOP e-mail and security team resolved the problem by routing mail via IP number references in the PMDF system on STORM. Increased e-mail traffic going through STORM to Lotus Notes users was directed to the LNGATEx computers by-passing the unnecessary pass-through EOPMRX. All queues cleared and processing normally by the afternoon of August 19, 1998.

Systems and Applications Engineering

MVS Administration

A member of the systems engineering team attended the Share Conference in Washington, DC on Friday, August 21.. Share is an organization that provides up to date information on IBM large systems. Members of the Systems Engineering group are focused on obtaining information on installation and operation of OS/390; IBM's follow on version of MVS.

AIX Administration

The systems engineering team solved a problem that OMB developers were experiencing with Micro Focus Object COBOL. They traced the problem to the license database. The old database was removed, and a new license database installed and updated with the license key for Micro Focus COBOL.

DB2 Administration

The DB2 Version 5 subsystem upgrade has been implemented on all MVS systems at the EOP Datacenter. A short term DB2 systems programmer, under contract to the Government, is performing the installation. The resident Systems Engineering staff members are assisting him. Although the government is primarily responsible for this upgrade, Logicon personnel are assisting as necessary.

RISC 6000 Environment Redesign

The systems engineering team relocated all the required applications and services running on OMBAIX4 to OMBAIX5. These include the master Maestro automated job scheduler; A11P, the OMB budget entry application; Data Propagator, and the DB2 platform independent table synchronization service. The team developed an application monitor and notification service; and ARCServe, the data backup service. This completed phase I of the RS/6000 Environment Redesign.

The systems engineering team removed OMBAIX4 from the SSA disk storage subsystem loops, powered it down, and left it off-line until it is reinstalled in the new rack. The team began updating Operations documentation for the RS/6000's to reflect the changes. It will be delivered to Operations on August 26, 1998, to replace interim instructions.

OMB requested that OMBAIX4, one of the RS/6000 systems sharing the IBM 7015-R00 rack be relocated to a separate 7015 rack. The systems engineering team engineering the changes necessary to reconfigure the environment to meet the specifications as provided by OMB:

Relocation of OMBAIX3 to the Data Center

The systems engineering team completed the physical relocation of OMBAIX3, the IBM 7013-J50, and the associated IBM 7133-600 SSA disk storage subsystem from room 6010 to the EOP Data Center. OMB requested that OMBAIX3 be relocated in preparation for its role in the next Budget Season. An IP address and router port on subnet 44 was identified by the network group to provide a 100Mb connection for OMBAIX3.

Tape Back-up System Evaluation

The systems engineering team received a trail copy of Syncsort Backup Express. A test installation and implementation is underway. The team gathered information on back-up software packages and tape automated storage devices that can improve the backup and recovery capabilities in the RS/6000 environment. The goal of this effort is to identify software and

hardware that can complete backups on the RS/6000s in the 6:00 PM to 6:00 AM time window.

After reviewing a number of backup products the systems engineering team determined Syncsort Backup Express is a strong candidate. It will significantly improve backup capabilities and meet the requirement to complete processing in the 6:00 PM to 6:00 AM time window. Currently, the RS/6000 backups are running into the next day.

VAX Administration

The VAX administration team worked on CSARs associated with user access to Allin1 and Waves. In addition, the VAX team identified the one GB disk on the VAX CD (Allin1) cluster that can be replaced with four GB disk to allow for more storage space.

The VAX team searched the CD cluster for Allin1 scripts to support the Y2K effort. In addition, the VAX staff reviewed the modified startup procedure and are planning a reboot of the MORK & MINDY cluster to test the startup procedure.

Payroll and Personnel Migration Project (1998-IST-009)

The fifth pay period is balanced and closed out. The Personnel and Payroll conversion task is now current. The Application Engineering staff attended another meeting with HRM personnel chaired by Mary Beck. The Logicon application engineering team presented a list of sub tasks to Mary Beck and the HRM personnel for review, prioritization, and task classification. Some sub-tasks on this list will be incorporated into the PHASE II IWO currently being prepared by Barb Doran.

EOP E-Mail Reconstruction Processing (EMRP)

Processing for PC 10 has been completed, and the output delivered to the government. It was accepted on August 20, 1998. Anomaly processing for PC 11 continues. There are a high number of anomalies in PC 11, due to corrupt input data. Therefore, anomaly processing for this cycle is taking considerable time. The programmers have made and tested code changes to speed up anomaly processing. They are being implemented and monitored on August 26 with the plan to put the changes into full production on August 26 or 27. These improvements are expected to speed up processing about ten fold. Load, restoration, and record processing for PC 12 was started, as was load and restoration for PC 13. However, they are on hold while the PC 11 high anomaly problem is addressed. A system back-up was performed during the weekend.

Issues/Concerns:

Quotations were received from COMPAQ/Digital about the cost of acquiring eight and twelve disk modules including the cost of extending the 24x7, four hour warranty till 2002. Cost of twelve disk modules is about \$22,000. The COTR decided to order twelve disk units. The order is in process, and it is expected the units will be delivered in two to three weeks.

Internet Security

Logicon resolved a problem with the White House web server www1.whitehouse.gov. Upon monitoring the system logs, the server was reporting a non-recoverable memory parity error while continuing to operate. The problem was transparent to the server clients. The team ran diagnostics on web server www1.whitehouse.gov and identified a defective SDRAM memory chip. The system was powered down, the failed memory bank was removed and the system was returned to service within 7 minutes. The EOP campus and Internet community did not experience a disruption of service due to a malfunctioning server.

Logicon resolved a problem with the EOP Firewall bastion host. The server mail log files were causing the server disks to fill up due to unusually high volumes of email traffic. The team identified the cause of the high volume mail surge and took pre-emptive measures to seize the problem source. Internet services for EOP were back on-line in minimum time allowing EOP customers to resume business using the internet.

Personal Computer Support

The PC support group currently has 202 CSARS pending processing. The week before there were 250 CSAR pending processing. This is a decrease of 48 CSARS. A detailed comparison of this week's performance is provided in the following tables.

Summary of Maintenance CSARS (NSM)

Description	8/04/98	8/11/98	8/18/98	8/25/98
Total Number of CSARS	371	362	274	242
Total Number of CSARS completed	198	221	173	147
Total Number of CSARS pending/backlog	173	141	101	95
Percent Complete	53%	61%	63%	61%

Summary of Hardware and Software Installations, Moves, etc., CSARS (NSI)

Description	8/04/98	8/11/98	8/18/98	8/25/98
Total Number of CSARS	157	185	185	167
Total Number of CSARS completed	29	32	36	24
Total Number of CSARS pending/backlog	128	153	149	143
Percent Complete	18%	17%	19%	14%

Logicon provides one PC technician for direct support to OMB. During the week, the technician de-installed ten computer components, moved nine pieces of equipment, performed thirty-one software installations, and installed ten pieces of equipment.

Notable accomplishments by the PC support team this reporting period include reallocating two OSTP systems and one WHO system, installing three NT systems for GSA members, installing a Gateway for IS&T, and completing six system moves (four WHO, one OA and one OPD). The team also installed two printers for OA customers and one printer for a WHO customer.

The IST Depot processed twelve purchase orders, entered thirty-one items into the inventory database, issued seventy-nine pieces of equipment and parts and returned four parts to stock. There are seventy tracking sheets pending entry into the Inventory Database. Logicon also began investigating options to integrate the IS&T Paradox Inventory Database capability with the Microsoft Systems Management Software (SMS) desktop inventory capability. The goal of the project is to provide a single inventory management system for all EOP assets.

Tracking Sheet Status

Reporting Period	Beginning Outstanding	Completed	Completed Requiring Verification	New Tracking Sheets	Currently Outstanding
8/4/98	88	32	75	19	75
8/12/98	75	27	54	18	66
8/19/98	66	60	59	53	59
8/26/98	59	0	59	11	70

Logicon received IWO approval from the Government to augment the CSARS response staff by six additional temporary labor personnel. Four people are on staff. Two people are scheduled to start September 7, 1998, two people failed the security pre-screen and over five people are pending completion of the security prescreening. Logicon continues to conduct interviews for contingency purposes. Logicon encountered a reduction in the PC Support staff of two people. One of the temporary labor personnel will be brought onto the Logicon staff full time and replaced accordingly. Logicon is interviewing/pursing a NT4.0 experienced person for the second available full time position. Logicon is also using existing staff in extended hour status, as approved by the COTR, to backfill the IAG IWO vacancies.

Logicon continued effort the evaluation and definition of the new NT 4.0 Desktop configuration. The testing continued on schedule for the basic loads. However, as testing continues and additional changes are made, new problems are being identified and corrected. The majority of the problems still relate to the application file permissions that were changed as part of the NT 4.0 security requirement implementation. Other problems are arising as user requirements are identified and implemented. Logicon completed most of the evaluation of the Microsoft Office 97 suite as requested by Ms. Laura Crabtree. The Logicon team also completed testing of the Ghost software and has begun developing Ghost images of the various EOP NT3.51 loads and the interim NT4.0 load. The Ghost software promises to significantly reduce the amount of time necessary to setup a system. Logicon is investigating the number of additional software licenses that need to be procured.

- Basic NT desktop: configuration completed
- Security verification and test: July 20-July 24 (Completed)
- Setup and test NT standard load: July 16-July 20 (Completed)
- Setup and test OMB standard load: July 20-July 21 (Completed)
- Setup and test Ghost software: August 19 - August 31 (Completed)
- Setup and test WHO standard load: July 22-July 23 (Completed)
- Travel Office Rollout: July 24-July 31 (Completed)
- OMB Rollout: 8/3 - 8/7 (started; 3 of 17 systems delivered, remainder on hold until OMB completes testing)
- OA Rollout: 8/10-8/31 (Started)
- OSTP Pilot rollout: 11/2-11/15

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Logicon was authorized to begin efforts relating to the IWO for the installation, implementation, and maintenance of the WRQ Express 2000 software. The team completed and submitted a CMC request with included the software installation instructions. The software will be used to gather Year 2000 complaint information for EOP agencies.

Web

Logicon continued installation, testing, and implementation of the new multimedia capture/encoding machines for the WH web site. The team investigated potential security issues and will prepare a plan if required. For now, the machine is in standalone mode, not connected to the network. The new machines are part of the infrastructure necessary to enable the WH web site to do live "streaming" of audio and video files.

Logicon began development of the web site to support the President's trip to Russia and Ireland. The team met with the White House Communications, Photo Office and NSC to capture requirements and define the site's look and feel. The team continued work on site by creating 12 new original graphics to supplement the content provided.

The Web Team provided routine maintenance on the WH web site. The Logicon web team posted one *daily talking point* to the White House at Work page and four daily items for *What's New*. For OMB site, Logicon processed three new .html pages, one new.pdf file and added to the OMB home page. For PIR, the team corrected multiple errors and made two modifications to the PIR *Promising Practices* pages. For the White Communications Office, the team corrected spelling errors in the WH Tours pages and WH Millennium pages.

Presidential Publication Server

The Presidential publication server has been running smoothly this week. The focus this week has been to complete the implementation of the Notes accounts to replace the MIT account for routing mail to the Publications Server and the Hot directory. The new mail address has been added to most content originators' distribution lists.

The Presidential publications server team met with the Y2K Team to provide them with a detailed review of the Publication Server and its processes. The Publication Server Team provided them with notes and diagrams and has reviewed a draft of the Publication Server section of a compliance document they are preparing.

The publications server testbed machine (HOST2/PUB2) experienced an intermittent hardware problem causing it to crash occasionally. Digital Equipment Corporation believes this may be a software problem. SMS is now analyzing the crash dumps.

The document analysis team spent thirty-six man-hours to process seventy documents. The team also completed forty-four Executive Orders documents that required revision. The installation of the new operating system increased system performance and the team is consistently meeting the twenty-four hour document timeline requirement.

Training

The Logicon Trainer conducted six training classes during this reporting period. Logicon also continued investigation of the training information necessary to support the new NT 4.0 desktop configuration.

	WHO	OMB	OVP	OA	OPD	Other	Totals This Week
All-In-1							0
Introduction to Lotus Approach							0
WordPerfect 6.1 for Windows				2			2
Windows NT				1			1
Introduction Lotus Notes E-Mail						3	3
Lotus 1-2-3 Ver 5 for Windows							0
Introduction to Lotus Organizer							0
Specialized Training (One-on One)	0	0	0	0	0	0	0
Total Trained This Week	0	0	0	3	0	3	6

cc: Kate Anderson
 Tony Barry
 Paulette Cichon
 Laura Crabtree
 Barbara Doran
 Tim Fuller
 Kathleen Gallant
 Sheryl Hall
 Karl Heissner
 Rich McKay
 Dorian Pannell
 Ada Posey
 Lynnae Roscoe
 Howard (Chip) Sparks
 Bernadene (Bern) Walford
 Jim Wright

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Ms. NOLAN. Yes.

Mr. LATOURETTE. And if we can go to—it's a multipage document, and I think I'd like you to go to page 4, and that indicates that the Lotus Notes team continued the development of the holiday card application, and they made a couple of presentations on August 24th they developed to EOP management. And who is the Executive Office of the President's management team that the holiday card package would have been presented to?

Ms. NOLAN. The management of the Executive Office of the President is the Office of Administration. I don't know what team.

Mr. LATOURETTE. OK. Then on August 26th they made a second presentation of how swift these Christmas cards were going to be to Ada Posey, who was the director of the Office of Administration, is that right, or at least according to exhibit 80?

Ms. NOLAN. That's what it says there.

Mr. LATOURETTE. Did you have any knowledge as to how much money the Christmas card package cost the White House to get that up to speed but we couldn't reconstruct the missing e-mails? Do you have any idea what it cost?

Ms. NOLAN. I don't know anything about that.

Mr. LATOURETTE. Is that something you could find out for us and perhaps get back us to about?

And at the same time, sadly, the President has been quoted in the press saying that, you know, this is going to cost a lot of money to do this. And if people knew how much time and money—and I just find it to be a little odd that we're being told that there wasn't enough money, there wasn't enough time, some people didn't even know there was a problem, but apparently we did have time to make sure that our Christmas cards got out that particular year rather than responding to subpoenas from relevant courts of jurisdiction and no less than three committees of the U.S. Congress.

And I thank you, Mr. Chairman.

Mr. BURTON. The next gentleman that we're going to hear from is Mr. Horn, but before we go to Mr. Horn I want to clarify one thing regarding Mr. LaTourette's questioning. You said they thought of it as historical. Who is they?

Ms. NOLAN. The Office of Administration, sir.

Mr. BURTON. The Office of Administration. What was the name of the person?

Ms. NOLAN. Sir, I think we were talking about Mr. Lindsay. What I meant was that they were thinking of the reconstruction issue as one that had to be done for historical purposes.

Mr. BURTON. But not of an immediate nature or anything like that?

Ms. NOLAN. I believe, sir, this is where the disconnect or miscommunication was, that he—he believed that the counsel's office understood the nature of the problem and was handling anything with subpoenas. The counsel's office did not. I think that's what happened, sir.

Mr. BURTON. Well, Mr. Lindsay and Ms. Crabtree, according to the people from Northrop Grumman, were very concerned. The people from Northrop Grumman said that they felt like they were in jeopardy of their jobs, and some even jail, if they said anything

even to their spouses, some of them said. So for you to say that they only thought of it as historical really kind of boggles my mind.

Ms. NOLAN. I'm sorry, sir. I wasn't talking about the entire problem. I was talking about doing the reconstruction—when the reconstruction needed to be done by.

Mr. BURTON. Mr. Horn.

Mr. HORN. Thank you very much, Mr. Chairman.

Let me ask you a series of questions that maybe can clarify in some of our minds the problem of the server and the e-mail and the complexity of it. As I understand it, the White House e-mail users delete their own e-mail, don't they, when they are tired of it?

Ms. NOLAN. Yes, sir, they can delete their own e-mail.

Mr. HORN. And that doesn't go through a server, does it?

Ms. NOLAN. It resides on the server until they delete it.

Mr. HORN. OK. But they have the control of bringing that message back and getting rid of it?

Ms. NOLAN. They have control of deleting it. They don't—once it's deleted, they don't have control of getting it back, no, sir.

Mr. HORN. In fact, they're encouraged because of the computer space restraints, isn't that it, the old problem of not enough memory?

Ms. NOLAN. Yes, I think that's right, not to retain too much e-mail on the server.

Mr. HORN. So when individual computer users search their computers in response to a subpoena they aren't necessarily going to find all the responsive e-mails on either the computer or the server. Where are they? Let's assume something was there, where is it likely to be found? On the server or on that computer or both?

Ms. NOLAN. Sir, they're the same thing for purposes of an EOP user. The user turns on his or her computer. To get to your e-mail all you're really seeing is what's on the server, your account on the server. So what you see on your computer—unless you actually save it to the hard drive, what you see on your computer is what's on the server.

Mr. HORN. Are there other areas that they can park messages besides that server that relates to—

Ms. NOLAN. You could save it to the hard drive, as I understand it, sir.

Mr. HORN. OK. The hard drive that's related to that computer directly?

Ms. NOLAN. That computer.

Mr. HORN. All right. But are there other places in the White House where they can put some of these messages? Say they didn't want to delete them because they might use them sometime and want them and yet they could delete some from the server, let's say, is there another server around? Is there another system around where they can plant that message? What's your experience?

Ms. NOLAN. I don't think so, sir. I'm not sure I understand the question, but if I do—

Mr. HORN. The question is very simple.

Ms. NOLAN. If I do, you could print out the e-mail, you could save it in paper file. The ARMS system, when it operates as we understood it to operate, would have captured it, and it would always

stay in the ARMS system, but if the ARMS system isn't working, then other than sending it electronically somewhere else, just forwarding it or printing it out, I'm not aware of any other place to keep it.

Mr. HORN. Well, a lot of people would do, as you say, a printout because they might want to say this is there and it's under my nose, in my desk and that kind of thing.

To your knowledge, when the request for the subpoenas came in and we needed some of that and other investigations needed some of that by either keyword name or whatever or a date period when something happened—and we're talking here really back certainly to 1996–1998 and when you go into Waco, it gets back to 1993, but it might have been something said between 1996 and 1998—so how did the counsel's office deal with that? Did they say, look, here are some of the keywords and let's print them out if they're on your disk? How did it work with most people?

Ms. NOLAN. The counsel's office would send a directive to the affected entities in the EOP complex directing that people search their files, whether in paper form, computer form or any other form, and then in addition—so each individual would be responsible for looking for those requests, and we would generally just indicate what it is that the subpoena has requested, what the document request is. And then, in addition, a White House lawyer would work with IS&T to develop a keyword search to search electronically on the ARMS system.

Mr. HORN. Now, did that happen for what period, where you say ran a tape and then you searched the tape with a keyword index?

Ms. NOLAN. As far as I know, there was no searching of tapes. The ARMS system is an on-line retrieval system, and so that would be searched, and people would look at their individual paper files or computer files.

Mr. HORN. I would think that one of the problems here is that the counsel's office or the Office of Administration, working with the counsel, because they would know how the computer system works, that they would be able to lay out a pattern as to how you get that information, and I would think they would say to everybody, if you're on the system and you're involved with this name or that name, print it out, and they didn't do that, did they?

Ms. NOLAN. When there was a document request, people were directed to search their—for computer records, if they found them, they would print them out and provide them to the counsel's office for production.

Mr. HORN. Does the counsel send them back and say, this isn't what is subpoenaable? Or what was the counsel's role in all this?

Ms. NOLAN. The counsel's office then looks through material to determine if it's responsive to the subpoena and either produces or notifies the committee if there are privilege questions of what records it has. But when people do searches, they often come up with things that would have the right keyword or the right name but aren't related at all to the subpoena request, especially when you get into some of the broader ones, and so the counsel's office role is to determine if documents are responsive.

Mr. HORN. It sort of comes to mind that it seems to me the counsel is at the point of where they can take evidence and just get rid

of it because they have got the print, they say, oh, well, that isn't what they want, bang, good-bye to it. So did they send it back to some of the people with the servers and the computers so—and who was to take it off the particular drums, if you will, for want of another word? Who would take that message off the server when they'd done the printout? And what was the pressure to sort of get sudden memory by sort of moving in on the disk and getting more space and with it goes a lot of messages? How much did that occur? Any occurrence of that, that you know of? Did people just get a big laugh out of it?

Ms. NOLAN. Mr. Horn, I am not aware of anything that would suggest that the counsel's office gets rid of documents. It produces thousands and thousands and thousands of them. It is true that the EOP like, as far as I'm aware, any organization I've ever been a part of routinely encourages people when server space gets low to delete unnecessary e-mail, to save e-mail that they still need, but that's routine. There's nothing the least bit nefarious about that, sir. That happens in every organization.

Mr. HORN. Does that happen on a 6-month routing there where they say loosen up the thing?

Ms. NOLAN. I have been there I think almost 7 months. I don't know if we've gotten such a notice in the time I have been there. I could check and see when the last one was.

Mr. HORN. Do you know from 1996 up did they do that or did they increase the amount that they wanted wiped off the computer or the server?

Ms. NOLAN. It did happen at some period, but I don't know how often, sir. I just don't know.

Mr. HORN. Can you sort of find out and let us see some of those memos that say for the sake of more memory we'd like you to get rid of messages you don't need to have there?

Ms. NOLAN. I know we have produced samples of those. I'll try to make sure that we have all of them, sir.

Mr. BURTON. The gentleman's time has expired.

Mr. Shays.

Mr. SHAYS. Ms. Nolan, I want to just clarify a little bit better why you didn't come and tell this committee when you had a briefing in January about the problem. What did you learn from the Washington Times story of February 15th? What did you learn about then that you didn't know before? It seems to me the only thing you really learned was that there was someone who had gone public. What did you learn?

Ms. NOLAN. Sir, what I learned when the filing was made in the case was that there might—that there was—I then learned from OA staff that there was a continuing situation in which incoming e-mail was still not on ARMS.

Mr. SHAYS. Let's forget the continuing. The bottom line was, there was still e-mails that may be pertinent to some independent counsel, special counsel, investigative committee. You knew that before, so that would be relevant.

Ms. NOLAN. No, sir, I did not.

Mr. SHAYS. You did not know what?

Ms. NOLAN. I did not know that there were e-mails that would have been pertinent that had not been produced or could not be produced.

Mr. SHAYS. It is your testimony before this committee that this problem of a MAIL2 configuration that, when you were briefed, that there were—it was in that briefing you were told there were no outstanding e-mails that hadn't been forwarded to the committee?

Ms. NOLAN. I was briefed—

Mr. SHAYS. It's a stretch.

Ms. NOLAN. I was briefed, sir, about an issue that they were going to do reconstruction for the Presidential or the Federal Records Act. I did not understand at the time it was a very—

Mr. SHAYS. What didn't you understand? I don't understand why you wouldn't understand. The bottom line was, there was this bottomless pit of e-mails that simply weren't being recovered.

Ms. NOLAN. I was not told that there was a bottomless pit of e-mails that weren't being recovered.

Mr. SHAYS. So let's just say some e-mails.

Ms. NOLAN. I was told that there had been a problem. They were reconstructing or going to reconstruct—

Mr. SHAYS. Reconstruct means that they needed to capture these e-mails that were still outstanding. Why wouldn't the committee have been told that you were trying to reconstruct—

Ms. NOLAN. I did not understand that, sir.

Mr. SHAYS [continuing]. So you could find the e-mails? I don't get it.

Ms. NOLAN. I understand you don't get it. I don't know how to say this a different way or to say it uninterrupted, but what I have said, and it is my testimony, that I was given a briefing, it was in a meeting for a post-presidency transition issue. It was very brief, and it was that there was a problem. They were—they did discuss reconstruction. I did not understand—

Mr. SHAYS. I understand what reconstruction means. What is reconstruction? I just want to know what reconstruction means.

Ms. NOLAN. Can I be permitted to finish what I'm saying first, sir?

Mr. SHAYS. Sure. But then tell me what reconstruction means.

Ms. NOLAN. I will finish what I'm saying, and then I will answer your question, sir, but I don't find that I can answer your question if halfway through it you ask me another question. I feel like I'm not able to tell you what I know. You obviously choose not to believe me. I can only testify what happened and what I know.

Mr. SHAYS. Don't lecture me. Just tell your story. What's your story?

Ms. NOLAN. Sir, this is my testimony.

Mr. SHAYS. What is your testimony?

Ms. NOLAN. My testimony is that I was given a briefing by several people from the Office of Administration on January 19th, I believe is the date. It was regarding a number of post-presidency transition issues. At that time, they informed me about a MAIL2 and letter D anomaly or problem, I believe is what they called it. I believe I was told that they were reconstructing, and my under-

standing of reconstructing was that they had tapes somewhere that they were going to put on a different system.

I did not understand at that time and I am confident that other people in that meeting did not understand at that time that there had been or was an ongoing problem with regard to ARMS searches for subpoenas. It seems very clear now that those were the same problems. It was not clear to me in that very brief meeting on January 19th that that was the case.

Mr. SHAYS. But reconstruct sounds like they've got a problem. It means something to the effect that they don't have certain e-mails and they have got to reconstruct them. It's your testimony that you did not realize that there were e-mails that were not being made available? Is that your testimony?

Ms. NOLAN. Mr. Shays, that's what I've testified, yes, sir.

Mr. SHAYS. OK. So now tell me tell me what you learned afterwards.

Ms. NOLAN. They were telling me about a Federal records issue, about Armstrong compliance, which, as I've testified, is not—does not—Armstrong itself does not apply to the White House and Presidential records. I did not understand this to be a problem affecting White House searches of documents.

Mr. SHAYS. And your testimony is that everyone else in the committee—in that briefing had the same impression you had?

Ms. NOLAN. No, sir. I think the people who did the briefing from the Office of Administration understood—

Mr. SHAYS. So is the Office of Administration the White House?

Ms. NOLAN. It's part of the Executive Office of the President, sir, yes.

Mr. SHAYS. I'm being a little facetious. So the White House knew, correct?

Ms. NOLAN. Sir, you asked me what I knew. That's what I can testify to, and it's not—it is my understanding that I and no one else in the counsel's office who were responsible for producing documents knew.

Mr. BURTON. The gentleman's time has expired, and I will yield my time or part of my time to the gentleman.

Mr. SHAYS. Just a minute. You are testifying that people in the White House knew, you just didn't know?

Ms. NOLAN. People in the Executive Office of the President, sir, knew. I don't know that anyone in the White House office knew.

Mr. SHAYS. The Executive Office of the President, I make that as an assumption that that is part of the White House. You're not in the White House building.

Ms. NOLAN. The White House is part of the Executive Office of the President.

Mr. SHAYS. So are we going to get into a semantics argument that the White House didn't know because it was just the administrative part of the White House?

Ms. NOLAN. Sir, you asked me who I knew knew. I'm telling you—you can characterize that as the White House. I am telling you that the White House counsel's office and, as far as I know, no one in the White House office knew. People in the Office of Administration and the technical people clearly did know. That's the disconnect I've testified to.

Mr. SHAYS. OK. And I just will make this last question. It is your testimony that the people in the Office of Administration knew but that no one in the counsel's office knew; and, therefore, because you all didn't know, you had no obligation—the White House had no obligation to notify the various committees that there were documents that they said had been given that hadn't been given.

Ms. NOLAN. It's my testimony, sir, that the people producing documents did not know that there was a problem, and I believe, but I don't know, you had the people from the Office of Administration here last week, that they did not understand that the counsel's office and the people producing documents did not know.

Mr. SHAYS. Since I'm on the chairman's time I want to yield back, but just let me ask you this. The people who are producing documents, define to me who they are.

Ms. NOLAN. The people in the counsel's office, sir.

Mr. SHAYS. Why did you say the people producing the documents instead of just saying the counsel's office?

Ms. NOLAN. I had said that before, sir. I wasn't sure you had accepted that as a description, so I was trying to give another.

Mr. SHAYS. OK. Thank you very much.

Mr. BURTON. I'll just take a few minutes here.

You know, I think, with all of the discussion, people lose track of where we are. We had a hearing last week. Five people from Northrop Grumman said that they felt intimidated when they started talking to Ms. Crabtree and Mr. Lindsay about the problem with the missing e-mails. Three of them said they thought might even be threatened with jail. One of them very directly felt that. Another said she'd rather be insubordinate than go to jail. So there was a definite fear.

Mr. Lindsay took this information to Mr. Podesta. They wrote a memo. Mr. Podesta explained the situation to Mr. Ruff. I believe Mr. Lindsay—there was apparently a meeting, and it just seems inconceivable that the chief counsel to the President would not know the severity of the problem. It just doesn't—it boggles my mind that he wouldn't know.

Now when Mr. Ruff left, and we're going to have Mr. Ruff before the committee, I feel confident, because you can't recall—I mean, he evidently hasn't given you all the information. But it seems to me that when Mr. Ruff left office he would have passed on to his counterpart who was taking over, you, Ms. Nolan, some of the problems that the chief counsel's office had to deal with, and it seems like he would have given you a fairly comprehensive analysis of this problem with the e-mails.

And, yet, when we've talked to you today, it feels like—I feel like you really didn't know all that much about it. You had a cursory knowledge. Is that correct?

Ms. NOLAN. Sir, I had no knowledge until the January 19th briefing.

Mr. BURTON. So Mr. Ruff never even talked to you about it?

Ms. NOLAN. Mr. Ruff, as I've testified, I don't believe understood there was a problem. I think he would have told me—had he realized there was such a problem, I am confident Mr. Ruff would have told me.

Mr. BURTON. Unless perhaps he thought that the problem wasn't going to raise itself. You know, the thing is, Mr. Lindsay knew there was a problem; Ms. Crabtree knew there was a problem, very serious problem; the people from Northrop Grumman knew there was a problem because they felt threatened. Mr. Lindsay talked to Mr. Podesta and we believe with Mr. Ruff. I cannot believe—

You know, Mr. Lindsay said he didn't remember the phone conversation, and yet 2 days later he participated in writing a very comprehensive letter to Mr. Podesta, a memo, going into all the details. I just can't believe that there's this big disconnect over something as significant as hundred of thousands of e-mails, especially in view of the fact that a whole host of committees, independent counsel and even the Justice Department had subpoenaed all of the documents pertaining to a whole host of different investigations. And for everybody to say, we didn't know, we didn't think it was that severe, and the chief counsel of the President who is supposed to be watching out for him and advising him on legal matters wouldn't be well aware of this. It doesn't wash. There's something there that's not washing, and I guess that's the problem that I feel.

And I see my time has expired.

Mr. Barr.

Mr. BARR. Ms. Nolan, let me try and get very specific here, if you would, with me, please. On what day did you realize that you were going to have to do something to make sure that in responding to subpoenas from the Congress information had not been withheld?

Ms. NOLAN. I don't know what day it was, Mr. Barr. What I know is that at some point last month I realized that document productions that the counsel's office had done would have included searches of ARMS in which incoming e-mail could not have been searched and that we would need to review what document productions we did and figure out what we were going to do and could do about it.

Mr. BARR. It was not until last month?

Ms. NOLAN. In February, sir.

Mr. BARR. OK. After the newspaper articles came out?

Ms. NOLAN. After the filing was made, yes, sir.

Mr. BARR. After what?

Ms. NOLAN. The filing was made in the case, sir, yes.

Mr. BARR. In the civil case?

Ms. NOLAN. That's right.

Mr. BARR. OK. Are you familiar with the various civil cases that have been filed against the White House or Executive Office, whatever, by Judicial Watch, including my case against the administration?

Ms. NOLAN. I'm aware there is a case, sir, your case, and I'm aware there are other cases. I don't know that I could list all of them.

Mr. BARR. One of the theories on which my case was filed and is still an active case is violation of the Privacy Act. Pursuant to discovery requests, a great number of documents, files as it were, on me, about me that have been accumulated by various folks at the White House were submitted pursuant to discovery. That case was one that was filed under the Privacy Act. If in fact your position prevails that the Privacy Act does not cover files that the

White House maintains on various individuals, why then would the discovery have gone forward and those files furnished pursuant to discovery?

Ms. NOLAN. As I understand it, sir, that is the legal issue in the case. The White House and Executive Office of the President have an obligation to provide documents in a case so that the courts can decide the issue.

Mr. BARR. Are you all essentially then trying to have it both ways? I'm not quite sure. If you all felt secure in your legal interpretation, and it's one that I disagree with because it flies in the plain language of the Privacy Act which does not carve out any exemption for the White House or the Executive Office of the President for e-mails or for hard paper files, why would you all have actually furnished—pursuant to a Privacy Act case, why would you all have furnished discovery instead of just relying on the position you've enunciated, that the Privacy Act doesn't even apply to us?

Ms. NOLAN. Mr. Barr, that case was filed in a court of law. We were requested to make production of documents, and we did so. That I think is exactly what we do when we get subpoena requests and document productions. We assert and continue to assert that we do not believe that the White House is subject to the Privacy Act, but we have never asserted that that enables us to ignore a lawful subpoena. We do searches, and we make a good-faith effort to comply with those subpoenas, and we did so in that case.

Mr. BARR. Now, though, the White House, since the case has been reassigned from Judge Lamberth, a judge that takes a somewhat different view of the Privacy Act and various other laws as they relate to the President, now that that case has been assigned to a different judge, the White House has taken a very different position and is resisting. Do you see any inconsistency there? In other words, it seems to fall—the White House response to Privacy Act cases and discovery therein seems to fall not so much on principled grounds as it does on whether the case is before a judge that will hold y'all's feet to the fire.

Ms. NOLAN. Mr. Barr, I don't think that's right. I think that—I just don't know the particulars of this case or the other litigations. Obviously, other lawyers in the office deal with those on a day-to-day basis, but I think that it's very important to understand that, as this committee knows, there are times when the documents are produced, there are times when there are privileges, there are times when we discuss different timing for productions. There are various reasons why productions are made when they are and, depending on what the legal argument is, whether the legal argument is an assertion that documents don't have to be produced or the legal argument is on the merits itself. So I can't speak to that particular case, but I just wanted to make that clear.

Mr. BARR. You mentioned there are White House attorneys that follow these cases, that work them. The attorneys—I think we established this earlier. I just want to make absolutely certain. The attorneys at the White House counsel's office that are handling, for example, the Filegate case—cases are Michelle Peterson and, previously, Sally Paxton; is that correct?

Ms. NOLAN. That's correct, sir.

Mr. BURTON. The gentleman's time has expired.

Mr. Shays is next.

Mr. Raben, have you obtained the names of the lawyers we were talking about?

Mr. RABEN. I have current information. I don't have the name of the line attorney that probably worked directly with Mr. Barry, but the director then and now of the Federal programs branch, which he apparently came from, is a gentleman named David Anderson. I'll continue to work or I'm waiting for if we can determine that.

Mr. BURTON. David Anderson would deal with that area?

Mr. RABEN. Yes.

Mr. BURTON. He was one of the line attorneys, was probably working with Mr. Barry, and you will have that name for us?

Mr. RABEN. I will try to get you that name. I don't exactly know what the holdup is. We would obviously—I will get you that name as soon as I know it. We will have line attorney and pending criminal investigation matters to talk about.

Mr. BURTON. If it's possible, we'd like to have that today.

Mr. RABEN. I'll try my best, sir.

Mr. SHAYS. I'm going to yield in 1 second to Mr. Barr; and, Ms. Nolan, I should always give you an opportunity to answer questions. So I think your rebuke of me was a fair one on that side.

I want to ask you a question, though. It is a hypothetical, and we both may agree on this, and I'm going to read it slowly.

If you were a White House counsel on June 19th, 1998, and if you were informed of a potential omission in subpoena compliance and if you were told at the time the admission might involve hundreds of thousands of e-mails, would you feel obligated to inform investigative authorities?

I'd be happy to read it over again if you'd like.

Ms. NOLAN. I would certainly want to know more about the problem and make sure that there was a problem, yes, sir. I don't know that from that meeting.

Mr. SHAYS. No, and I don't either. Nothing's been established.

But if you were a White House counsel on June 19th and if you were informed of a potential omission in subpoena compliance and if you were told at that time the admission might involve hundreds of thousands of e-mails, would you feel obligated to inform investigative authorities?

Ms. NOLAN. I would feel obligated to look into the matter, sir.

Mr. SHAYS. And then what?

Ms. NOLAN. Well, if I were informed that there was a potential problem, I looked into the matter and was told, no, the problem's fixed and there apparently wasn't a problem, I would not feel obligated.

Mr. SHAYS. And if you found there was a problem?

Ms. NOLAN. If I found that there was a problem involving hundreds of thousands of e-mails—

Mr. SHAYS. Right.

Ms. NOLAN [continuing]. Then I would do what we're doing now, which is trying to work with the investigative bodies and figure out how to get those e-mails restored, sir.

Mr. SHAYS. Let me ask you one last point as it relates to this, though. If you thought it was a potential problem and you looked at it, how many weeks or months do you think it would make sense

for you to look at it before you stepped forward? In other words, should it go on for months if you thought there was a problem? Wouldn't you feel obligated to say we think there may be a problem and we're looking at it and we don't have an answer yet? You wouldn't feel obligated?

Ms. NOLAN. Sir, I would want to know there's a problem and know the general scope of it. I don't know how long that would take.

Mr. SHAYS. If it took 6 months you wouldn't necessarily even feel an obligation?

Ms. NOLAN. That—in the absence of sort of knowing what the facts are of those 6 months, I don't feel like I can answer that.

Mr. SHAYS. OK. I would yield my time to Mr. Barr.

Mr. BARR. Thank you.

Mr. Chairman, earlier the ranking member had expressed some rather large degree of concern over the cost of the various investigations. I'd like to ask unanimous consent that the following article dated March 24th of this year from the Copley News Service regarding the fact that the President's latest trip to India and Bangladesh and other exotic locales cost in excess of \$50 million. His trip last—couple of years ago to the African subcontinent cost close to \$43 million. His 10-day trip to China cost close to \$20 million; and a 4-day trip to Chile, the bargain of the group, was \$10.8 million. Knowing that Mr. Waxman pays very close attention to the record in this case and is constantly trying to reconstruct it, I'd like that placed in the record.

Mr. BURTON. Without objection.

[The information referred to follows:]

15TH STORY of Level 1 printed in FULL format.

Copyright 2000 Copley News Service
Copley News Service

March 24, 2000, Friday

SECTION: Washington - general news

LENGTH: 595 words

HEADLINE: Reporter's notebook on **Clinton** South Asian trip

BYLINE: George E. Condon Jr.

DATELINE: BOMBAY

BODY:

President **Clinton** is not particularly grateful, but his staff this week protected him from the type of embarrassing picture that once dogged Calvin Coolidge after he donned an Indian headdress or Michael Dukakis when he hopped into an Army tank.

Clinton really, really wanted to ride an elephant while he was in Jaipur, or so he told a group of reporters. But his aides feared photos of the leader of the free world atop a painted pachyderm and talked him out of it.

"I desperately wanted to ride on an elephant's back," **Clinton** told reporters "I've always wanted to do it."

Aides John Podesta and Joe Lockhart persuaded him to stick to his limousine but then snuck off themselves to climb atop the elephants.

The president had more luck with a smaller animal in Jaipur. But he attracted so much attention from monkeys in Jaipur that aides feared he was about to be bit, an eventuality that could lead to a series of painful rabies shots.

The solution was simple: the president doffed the flowered lei he was wearing and surrendered it to the pesky monkeys.

"Once I was deflowered, they didn't pay attention to me," he said, adding, "I don't mind these monkeys liking me, but I don't want to get 4,700 shots."

The president's trip has been called long overdue by South Asian leaders and foreign policy wonks back home. But it has come at a high **cost**, according to ABC News.

ABC contends that the swing through Bangladesh, **India**, Pakistan, Oman and Switzerland could end up costing \$50 million to become the most expensive presidential trip ever.

ABC offered no backing for its claim, merely citing unnamed Pentagon sources concerned about the use of so many aircraft to provide communications, vehicles and security for the president.

3RD STORY of Level 1 printed in FULL format.

Copyright 2000 Daily Press, Inc.
Daily Press

March 28, 2000, Tuesday, FINAL

SECTION: Family Life, Pg. D7, Answer Desk

LENGTH: 310 words

HEADLINE: YOU'LL HAVE TO WAIT FOR BILL'S TRAVEL BILL

BYLINE: PERNELL WATSON

BODY:

Q President Bill **Clinton** is currently taking another trip overseas - this time to **India**. How much is the trip costing the taxpayers? - B.W., Surry

A **Costs** for governmental trips are generally calculated after it concludes. We'll have to wait until **Clinton** returns to the U.S. for **cost** estimates of his South Asia trip.

The White House has traditionally been tight-lipped when asked about presidential travel **costs** citing "security concerns." But the door to secrecy was partially opened in September when the General Accounting Office (GAO), investigative arm of Congress, released an audit of President **Clinton's** travel expenses. The report was prepared at the request of Republican Senators Larry Craig, R-Idaho, Jeff Sessions, R-Alabama, and Craig Thomas, R-Wyoming.

The audit examined **Clinton's** six-nation visit to **Africa** as well as trips to China and Chile. According to a New York Times story, expenses calculated by the GAO reflected only a portion of the total **cost** because GAO accountants could not decipher the expenses incurred by federal agencies in planning the trips. Also, Secret Service **costs** are excluded due to their classified status.

Among the GAO findings:

- * Last year's **Africa** tour **cost** \$42.8 million. It required 10 separate advance delegations to arrange the itinerary and more than 900 military personnel were deployed.

- * A 10-day trip to China in the summer of 1998 **cost** at least \$18.8 million. A delegation of 510 people accompanied President **Clinton**.

- * A four-day trip to Chile in April 1998 **cost** approximately \$10.8 million. A delegation of 592 people accompanied President **Clinton**.

According to Joe Lockhart, White House press secretary, the trips "more than pay for themselves" as the President is aggressive in opening foreign markets to United States exports.

Mr. BARR. I'd also like to ask unanimous consent that William Safire's column in the New York Times today, entitled "The 100,000 E-mail Gap," and the Washington Times article by Jerry Seper today, also, entitled, "Judge Says Clinton Violated Privacy Act," be placed in the record.

Mr. BURTON. Without objection, so ordered.
[The information referred to follows:]

A31 Essay NOV 3-96

WILLIAM SAFIRE

The 100,000 E-Mail Gap

WASHINGTON

Charles Ruff, President Clinton's defense counsel in the impeachment trial, was also the last special prosecutor of President Nixon in Watergate; he surely must remember the furor surrounding the unexplained "18½-minute gap" on the tapes.

Thanks to a lawsuit filed four years ago by Judicial Watch, we now discover that Ruff presided over the concealment of the Clinton administration's "100,000 e-mail gap."

These were the messages sent to the White House between 1996 and 1998, all required by law to be archived, and all part of the "universe of information" required to be reviewed by the White House counsel to respond to subpoenas by prosecutors and Congress.

Ruff blithely claims ignorance of technology. When informed of the "glitch" as the impeachment firestorm gathered in 1998, his associates say, Ruff assumed the problem was fixed and the search for subpoenaed evidence was under way. But it was not. And Ruff is neither negligent nor prone to easy assumptions.

Three non-government technicians who were called in to examine the White House computers testified that they had been told to keep their mouths shut about the unsearched files, on pain of jail. One of their harassers at first denied making such threats, before the House Government Reform Committee this week, then changed her testimony to admit she had told the dismayed technicians to stay mum "because it was sensitive."

As a result, investigators looking into Asian campaign contributions,

invasions of privacy and possible presidential perjury have been kept in the dark for the past two years. There can be no innocent reason for that deliberate decision by the Clinton White House to remain silent.

Asked yesterday about his e-mail problem, Clinton said, "I believe that was known years ago." Sure; he knew and Ruff knew. But no grand jury or Congressional committee was told.

As this deliberate suppression of the truth about the unsearched e-mails came to light, the Justice Department reacted with The Old Reno Trick: obstruction by in-house investigation.

Here's how it worked before. When the "Asian Connection" to Clinton-Gore money-raising was broken in this space on Oct. 5, 1996, and The Los Angeles Times unearthed the Gore Buddhist temple fund-raising scandal, the U.S. Attorney in L.A., Stephen Mansfield, moved quickly to investigate. But Lee Radek, Reno's chief protector of higher-ups, informed him, "your office should take no steps to investigate these matters."

Radek's Washington office assumed authority and allowed witnesses to skip the country. He used the excuse that an independent counsel might be needed, but, after the trail cooled sufficiently, fought the attempt of a real prosecutor and the F.B.I. to appoint one. Result: wrist slaps for small fry, neither Clinton nor Gore even questioned.

Clinton Justice is now trying the same trick in the e-mail case. Judicial Watch, in a civil suit, forced out the truth and a federal judge is hitting pay dirt. Department of Justice lawyers may have assisted a Clinton archivist in submitting a misleading affidavit about the e-mails last year. But true to form, now that its misfeasance is public, Reno Justice is launching its own "criminal investigation," the intent of which is to seize control of the productive civil case until after the coming election.

The same crew at Justice that kept the Asian fund-raising scandal away from the White House is now throwing its protective blanket over the White House aides who intimidated whistle-blowers in the e-mail concealment. Justice's criminal division will "investigate" its civil division, and insiders will have a good laugh at chairman Dan Burton's call for outside counsel.

Why do I pop off at these arrant cover-ups? Because popping off at power abuse has a public-policy purpose. The investigation triggered by published outrage at Filegate has ended such routine invasion of privacy, and completely changed the slavish attitude toward White House aides at the F.B.I. If that cost \$10 million, it was well worth it.

Same with concealing the 100,000 e-mail gap. Not all wrongdoing is criminal. But when presidential counsel artfully skirt the law, contemptuous of court or Congress or individual citizens, they must be closely examined and called to public account. □

Obstruction
by
investigation.

Judge says Clinton violated Privacy Act

Cites release of letters written by Willey

By Jerry Seper
THE WASHINGTON TIMES

3-30-00

A federal judge yesterday said President Clinton violated former White House staffer Kathleen Willey's privacy rights when he released letters she had written in an effort to cast doubts on accusations he sexually assaulted her in the Oval Office.

U.S. District Judge Royce C. Lamberth, in a 26-page ruling, said Mr. Clinton "had the requisite intent for committing a criminal violation of the Privacy Act" and that he and his top White House aides knew they were subject to the act, "yet chose to violate its

provisions."

Mr. Clinton immediately disputed the ruling and said he had released the letters only "reluctantly" to defend himself against the accusations.

A violation of the act is a misdemeanor under federal law, which calls for a fine of up to \$5,000. The law also establishes a "private right of action," meaning Mr. Clinton or others could be sued in a civil case for damages for violating the act.

see WILLEY, page A12

• Burton asks judge for criminal probe of official over e-mail. A3

WILLEY

From page A1

Judge Lamberth said, former White House Counsel Charles F.C. Ruff, former Deputy Counsel Cheryl Mills and Deputy Counsel Bruce Lindsey, also may have violated the act. The three recommended to the president the letters be made public, he said. The decision to release the letters came months earlier, he made nine months earlier that the White House was subject to the provisions of the Privacy Act, he said. The President (EOP) were "fully aware of this court's ruling... and that disclosure of the letters was therefore prohibited under the Privacy Act."

"This court simply does not understand why the EOP and the president, without any judicial decision, could claim that they determined that they were free to directly disregard this court's prior decision in the pending case," he said. "This court cannot accept or condone this unlawful action."

Clinton said she would agree with the ruling and said the White House would appeal it. He said he did not believe the Privacy Act applied to the letters and that "obviously we don't agree with the ruling."

"And I can say that when the decision was made to release those letters, I didn't agree with it. I don't think anybody about the Privacy Act thought about whether it applied or not."

Clinton said he made the decision to release the letters "reluctantly" and did so "because it was the only way I knew to refute allegations that were made against me that were untrue. And I think they should be made public. I would not have done it otherwise."

"I think that the opinion of our executive, legislative and judicial branches is that the letters should be made public."



Kathleen E. Willey

who have ruled on this is that that act does not apply to this kind of correspondence in the White House. So we're going to proceed accordingly," he said.

White House Counsel Beth Nolan, in a statement, said that in 1975, Supreme Court Justice Anthony Kennedy said that the Privacy Act did not apply to the entire Executive Office of the President. She said the act applied to the Executive Office of the President and that the act was not subject to the act.

"Judge Lamberth's opinion is inconsistent with that precedent," she said. "The act is not subject to the act and his staff were fully consistent with the law and the Justice Department's advice. In light of these facts and the law, we strongly disagree with the act and his opinion and are confident it will be overturned on appeal."

The judge's order came in a \$90 million suit brought in the "Filegate" case by Judicial Watch, a conservative watchdog group, against the firm. The firm said the White House routinely gathered and released dispositive information com-

cerning political opponents. During several depositions, Judicial Watch sought to show a pattern of misconduct by asking White House officials to produce the letters, though she is not a party to the suit.

Current and former White House aides Michael McCurry, Robert Kennedy Jr., and new Blumenthal and Mr. Lindsey refused to answer some of the questions. Judge Lamberth said the plaintiffs "are clearly entitled to the letters and to the answers to their interrogatories made under oath."

The Willey letters were released in March 1993, a day after she appeared in court. She said she had been told by Clinton that she had signed the letters and put her hand on his genitals during a Nov. 29, 1993, meeting to discuss full-time employment.

Mrs. Willey is a former part-time employee in the White House social office and later the White House counsel's office. She said she was fired from the office, which mirrored statements Mrs. Willey made under oath in the suit, and he later directed an aggressive White House campaign to discredit her.

She aired her accusations on "60 Minutes," Mr. Clinton had aides collect fawning letters from Mrs. Willey to him and then asked his staff to produce the letters. The notes would offer her, jolting testimony, according to administration officials.

That day, for example, he telephoned her and asked her to leave the White House. She said she was told to leave the White House. She said she was told to leave the White House. She said she was told to leave the White House.

She said she was told to leave the White House. She said she was told to leave the White House. She said she was told to leave the White House. She said she was told to leave the White House. She said she was told to leave the White House.

First lady Hillary Rodham Clinton and Bruce Lindsey were involved in the decision to use the letters against Mrs. Willey, administration sources said.

First lady Hillary Rodham Clinton and her husband, President Bill Clinton, were involved in the decision to use the letters against Mrs. Willey, administration sources said. At one point before their release, she and Mr. Clinton had a "60 Minutes" interview about the letters.

Mr. Blumenthal told Justice Department lawyers that he and Mrs. Clinton discussed that the letters were not subject to the Privacy Act. Willey had said on "60 Minutes" and agreed they should be released.

During the Willey flap, the White House was careful to describe Mr. Clinton as a bit player in the decision. Administration sources such as Mrs. Willey and independent counsel Kenneth W. Starr Mr. Clinton said he didn't even watch Mrs. Willey's interview.

Clinton said she was continuing to support the president after the purported 1993 encounter that she said occurred in a study just steps from the Oval Office. She said she was told to leave the White House. She said she was told to leave the White House.

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She said she was told to leave the White House. She said she was told to leave the White House. She said she was told to leave the White House. She said she was told to leave the White House. She said she was told to leave the White House.

Mr. BARR. Thank you.

Mr. Raben, I think we've established that David Anderson is an attorney at the Department of Justice handling these matters; is that correct?

Ms. NOLAN. I understand him to be the director of the Federal programs branch.

Mr. BARR. Does James Gilligan, who I believe is a trial attorney over in the Civil Division, work with him, for him or is he a superior of his?

Mr. RABEN. I believe that he is a subordinate of his. I'll check that and let you know.

Mr. BARR. OK. And whose responsibility is it—it's my understanding that James Gilligan coordinates and communicates on a fairly regular basis involving these cases to the—to Ms. Peterson; is that correct?

Mr. RABEN. To Ms. Peterson?

Mr. BARR. Ms. Peterson, Michelle Peterson at the White House counsel's office.

Mr. RABEN. That I have no idea.

Mr. BARR. Maybe I should direct that to Ms. Nolan. Do they communicate with each other?

Ms. NOLAN. That's my understanding, sir, yes.

Mr. BURTON. The gentleman's time has expired.

I want to get back to the questions that we were talking about regarding Mr. Barry.

Mr. Raben, you said that you don't know anything about anything that a line attorney may have said to him relevant to saying you don't have to worry about signing this—so you don't know that.

Ms. Nolan, how did the White House counsel's office let this affidavit be filed if there was any question about it being false? This is the affidavit we talked about regarding Mr. Barry. Do you have any knowledge about that?

Ms. NOLAN. I don't, sir, except to say that, based on my other testimony, I don't believe the White House counsel's office would have thought that it was false; and, as I said earlier, I don't believe it is false.

Mr. BURTON. Well, that's your opinion, and I honor that. We'll talk to Mr. Ruff and others about that later.

I prepared a criminal referral regarding this affidavit asking the Justice Department to investigate Mr. Barry for perjury. Do you agree, Mr. Raben, that any charges against Mr. Barry should also include an investigation of the role of the Justice Department and White House lawyers in drafting the affidavit?

Mr. RABEN. Do I agree that any investigation of Mr. Barry should include—

Mr. BURTON. Since they helped prepare the document.

Mr. RABEN. I can't agree or disagree with that assertion. I hope this is helpful. I understand that—I know that a criminal investigation has begun, and I don't know that any fact which has or will be asserted is off the table in that investigation.

Mr. BURTON. Well, if the Justice Department did help him prepare the document and did knowingly help him perjure himself by signing an affidavit that was incorrect, which we believe it is, how can they investigate themselves? I mean, the Justice Department

has taken this under advisement and they're conducting a criminal investigation. Part of that will involve, I presume, Mr. Barry since he was one of the principals.

Mr. RABEN. Answering the broader of the very important question that you're raising now and I have heard you raise in your opening statement and in press accounts, how can the Justice Department investigate itself, I think you raise a very good question about how we deal with overlapping inquiries or civil matters and what is now a criminal matter. And I understand that it is not uncommon, in fact, it is somewhat frequent, where a representation of a client agency, which is done under statutory authority requirement, not simply authority, is proceeding and information comes forward which necessitates the initiation of a criminal inquiry. When that criminal inquiry is initiated, the common procedure, I have learned, is to seek a stay of those aspects of the civil representation that may be implicated by the criminal investigation, and that is what has gone on here.

Mr. BURTON. So they're asking for a stay in the civil case while they conduct their criminal investigation?

Mr. RABEN. I think that would be an overstatement. My understanding of the pleading which was filed is staying some aspects of the civil litigation. I don't believe that all aspects of the civil litigation have been requested to be stayed.

Mr. BURTON. When did the Campaign Finance Task Force learn about the White House e-mail problem?

Mr. RABEN. I don't know. I know that that will be—I presume that will be one of the subject matters of the inquiry itself which has been initiated, but I simply don't know. I do know I saw—

Mr. BURTON. So you wouldn't know also how the Campaign Finance Task Force found out about the problem either?

Mr. RABEN. I don't know.

Mr. BURTON. Well, if you could get answers to these questions, it would be helpful.

Mr. RABEN. You have submitted—I know that you have sent to the Department a series of letters, one of which enumerates these and other similar questions, and we will answer those questions.

Mr. BURTON. I hope it's expeditiously.

Mr. RABEN. I hope so, too, sir.

Mr. BURTON. Would you know if the task force ever attempted to interview any of the Northrop Grumman contractors about the problem?

Mr. RABEN. I wouldn't know.

Mr. BURTON. We have learned that task force attempted to contact Betty Lamberth 2 weeks ago, but we don't know about any of others.

I guess the next question is superfluous, because we need to know why the task force waited until now to contact the Northrop Grumman contractors. So I guess we'll have to find out who the attorneys were that were involved in this and ask them.

In a recent court filing, Justice Department lawyers said that they knew about the problem for over a year. If that's true, why did the Campaign Finance Task Force do nothing for over a year? I mean, if they have known about it for a year, I wonder why they

haven't done anything. They didn't do anything until I sent a letter to the Attorney General. Do you have any answer to that?

Mr. RABEN. I know that you posed that question in the letter, and we will respond to it.

Mr. BURTON. Mr. Horn.

Mr. HORN. I was curious in the last dialog between us as to were there other places in the White House where messages could go off one's e-mail or one's server; and, to your knowledge, do you know of any other part of the White House where there might be messages parked from that period, 1993 through 1996 through 1998?

Ms. NOLAN. I know of no messages parked, sir. I do know that back-up tapes were made of the server at various times and that those back-up tapes are going to be reconstructed and searched.

Mr. HORN. OK. So, in other words, they had back-up tapes I take it when the subpoena went down there, and you're saying now that the system is up and running, that there will be back-up tapes?

Ms. NOLAN. No, sir. There have been back-up tapes made. Those back-up tapes are of the server. They're a picture of the server at a particular time. They're not searchable. They are being reconstructed so that they can be searched and so that they can be placed on ARMS.

Mr. HORN. Now, what do you have to do to reconstruct them in order to get a search?

Ms. NOLAN. Sir, I could not tell you that. The Office of Administration has retained an outside contractor who will do that work. I don't understand the details of how it has to be done.

Mr. HORN. Well, I think the FBI is one that can do the work if anything was done on the mainframe, and then the question would be—is, can you tell if there are erasures or not? Practically every company, university in the country takes a back-up tape every day, just in case you have got a surge, an earthquake, a power failure or whatever it is; and so I'm just curious why it took so long to get to this. What motivated them? Was it the President's library and they wanted to check things to be on deposit or what was the motive of this?

Ms. NOLAN. Sir, Mark Lindsay from the Office of Administration at the time and the Assistant to the President for Management and Administration was here last week, and I understand he testified that the Office of Administration made a determination to make sure they were Y2K compliant. Y2K compliance went through February 29th, and then they were to begin the reconstruction.

Mr. HORN. And that's when you really became aware of it?

Ms. NOLAN. I became aware of it somewhat earlier in February, except for the briefing I was given in January in which I did not fully become aware of it but where I was told about a MAIL2 and letter D problem.

Mr. HORN. Now, with reference to prior questions you had on this, it seems to me an outgoing counsel of the President would have a list on a memorandum of either finished, partially finished or unfinished business. Now, did Mr. Ruff ever pass that on to you and tell you about the subpoenas that—and the impact they would have?

Ms. NOLAN. It's my understanding, sir, that Mr. Ruff did not understand there was a problem with any subpoenas. He did not tell

me that there was a problem, which is consistent with my understanding that he didn't understand there was a problem.

Mr. HORN. Well, usually, a new person in a job would start going down the line with your associate or your deputy or your assistant counsels and say, you know, what do you do and etc. Did you do that when you entered on that job?

Ms. NOLAN. I did that, Mr. Horn.

Mr. HORN. And did you learn anything about the tapes in that experience?

Ms. NOLAN. It's my understanding that no one in the counsel's office knew that there was a problem with subpoena compliance.

Mr. HORN. What you're telling us is if we ever have to ask to redo what goes on at the White House under subpoena, that the counsel's office is not the one to go to. It seems to me, I guess, the Office of Administration, which is a statutory office within the Executive Office of the President, and they're the ones that know where you can find something on a computer, and I take it the counsel can't find it.

Ms. NOLAN. Sir, we found what was on the ARMS system, I believe. There were things that were not on the ARMS system, and we were not aware of that.

Mr. HORN. Well, let me read you this quote yesterday at the press conference. The President stated that the White House had, "turned over everything that had been found," and that subpoenaed e-mails were not surrendered because they were located, "in a different system." To what system was the President referring?

Ms. NOLAN. I think the President meant that those e-mails were not on the ARMS system, not that they were in a different system.

Mr. HORN. Now, has that system been searched or is it a new system and not an old one or what?

Ms. NOLAN. The ARMS system is the automated, retrieval system, that's the system in which certain e-mails were not captured or recorded. Those are—we have the back-up tapes which are not—were not designed, as I understand it, for record retrieval, but we're going to have a contractor come in and enable us to retrieve those records on the back-up tapes.

Mr. HORN. Now, is the President hooked up to that e-mail system so he—you've got what, how many accounts, 500 or so accounts?

Ms. NOLAN. I don't know the number of accounts in the White House office. It would probably be about that, but I'm not sure.

Mr. HORN. Well, I would think the President would have a very secure e-mail with some of his people in terms of, let's say, national security. Is there such a tape operation, server operation that's separate from what you have described?

Ms. NOLAN. Except for a couple of occasions with staff to learn particular computer things, I don't think the President uses e-mail, sir.

Mr. HORN. Well, that's probably a smart idea, and I don't use them either, but the fact is that there's probably another system around there for security reasons, and the question would be, were anything under these subpoenas that could be classified in a security operation and has that system been looked at?

Ms. NOLAN. I don't know the answer, sir, to, in particular, requests whether that system would have been looked at with respect to classified documents. Is that what you mean, sir?

Mr. HORN. Yes. I would like to know how many systems are there.

Mr. BURTON. The gentleman's time has expired.

Ms. NOLAN. The NSC does do a search, sir, I'm told, of its system.

Mr. HORN. Then there are any others besides NSC? That makes sense to me. And what you've got here basically is to——

Ms. NOLAN. I'm told, sir, there is no other classified system, that that's——

Mr. HORN. No other classified system or no other system?

Ms. NOLAN. The other systems—the only automated record systems are the NSC and the EOP-wide one called ARMS.

Mr. HORN. OK. So everything that you or your staff in the counsel's office know you're telling us now in response to these questions, is that true?

Ms. NOLAN. I'm sorry, sir?

Mr. HORN. Well, do any of your staff know something beyond this because you weren't here?

Ms. NOLAN. We've—I've talked to many people on my staff, and I've had my staff talk to many people who were here who are no longer in the counsel's office. We have not found anybody who knew—had this information, which I am saying I don't believe the counsel's office had.

Mr. BURTON. Mr. Barr. The gentleman's time has expired.

Mr. BARR. Was the President ever informed about the problem with e-mail system?

Ms. NOLAN. Mr. Barr, yes, the President was informed, I believe, within the past month, yes.

Mr. BARR. That was the first time that the President was informed about this problem?

Ms. NOLAN. As far as I know, yes, sir.

Mr. BARR. Would anybody have any different knowledge?

Ms. NOLAN. I don't think so.

Mr. BARR. Was the Vice President ever informed about the problem with the e-mail system——

Ms. NOLAN. I think also within the past month, sir.

Mr. BARR [continuing]. After the news stories broke.

What was the response of the President when he was informed about this problem?

Ms. NOLAN. Umm, sir, the President wanted to make sure that we had produced everything we could produce and that we were looking into what to do.

Mr. BARR. What was the response of the Vice President?

Ms. NOLAN. I don't know, sir.

Mr. BARR. Who briefed the Vice President on this?

Ms. NOLAN. Somebody on his staff, sir, but I'm not sure if it was his counsel or not.

Mr. BARR. Was Mrs. Clinton ever informed about the problem with the e-mail system?

Ms. NOLAN. I don't know, sir. I did not inform her. I'm not aware that anyone did other than there have been news accounts about it.

Mr. BARR. Would that have been Ms. Posey? Would she have informed her about that?

Ms. NOLAN. All of this would have occurred only in the past month. Any—I'm not aware that anyone in 1998 informed the President, the Vice President or the First lady.

Mr. BARR. On January 28th of this year, a letter was sent to committee counsel, our committee counsel, Mr. Wilson—actually to Mr. Hollis, but our counsel, regarding the Waco matter. And that letter says, quote, the scope of our recent search for Waco-related materials encompassed all items or documents in any way relevant to the events occurring at the Branch Davidian compound in Mount Carmel outside of Waco, Texas, in February to April, 1993.

Ms. NOLAN. Do I have a copy of that, sir?

Mr. BARR. You're asking me if I have a copy of it?

Ms. NOLAN. The committee provided me with copies of documents. I don't know if—

Mr. BARR. Mr. Lindsay seems to have a pretty full library. I can make a copy here but do you have one? Exhibit 60.

[Exhibit 60 follows:]

THE WHITE HOUSE
WASHINGTON

January 28, 2000

BY HAND

Andre Hollis
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Hollis:

I am writing to follow up on a couple of outstanding issues concerning to the Committee's request for Waco-related materials.

As you know, on December 22, 1999, pursuant to your request, you came to the Old Executive Office Building and reviewed the Waco-related materials that the Executive Office of the President (EOP) had sent to the Court presiding over the *Andrade v. Chojnacki* matter. As explained in my December 20, 1999 letter to you (copy with attachments enclosed), these materials were submitted to the Court not under seal.

I further explained in that letter that, pursuant to the *Andrade* Court's instructions, certain additional materials were submitted under seal. I made available for your review an index of such materials. I also provided you with a copy of a Presidential Document Log that the EOP previously produced to the Committee's Subcommittee on National Security, International Affairs, and Criminal Justice, as well as to the House Judiciary Committee's Subcommittee on Crime. As set forth in my December 20 letter to you, and as I reiterated during your review, these committees reached agreeable accommodations with the EOP, as well as the Department of Treasury, whereby certain Subcommittee members, including Chairmen Zeff and McCollum, reviewed these documents and obtained the information they needed while maintaining the White House's legitimate confidentiality interests.

You inquired whether the EOP would consider allowing current members of the Committee to review again these materials. I stated that the EOP would consider such an accommodation if the Committee members expressed such an interest.



Andre Hollis
January 28, 2000
Page 2

On Tuesday, January 18, 2000, you telephoned me and requested a set of the documents that you reviewed; *i.e.*, documents that were sent to the *Andrade* Court not under seal. I responded that I believed that the EOP would provide the Committee with a set, even though some of these materials had been previously produced to the Committee. A set of these documents is enclosed.

You also wanted to discuss the Committee's September 1, 1999 subpoena seeking materials related to the use of incendiary devices at the Branch Davidian compound. I explained that I believed that the search for Waco-related materials responsive to the *Andrade* Court's Order would have likely encompassed the Committee's subpoena, but that I would need to confirm this and get back to you. In addition, I asked you, as I had asked previously Marc Chretien, to be prepared to discuss a modification to Request No. 4 in the event that the EOP needed to conduct a search for materials responsive to the subpoena.

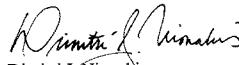
The scope of our recent search for Waco-related materials encompassed all items or documents in any way relevant to the events occurring at the Branch Davidian compound in Mt. Carmel, outside of Waco, Texas, in February - April, 1993 ("Waco"), with the exception of the following:

1. Materials in the public domain;
2. Materials subject to the Privacy Act; or
3. Non-investigative materials created after June 14, 1994.

As I have explained previously to you, "non-investigative materials" include Waco-related requests and inquiries, such as subpoenas from and correspondence with investigative bodies.

The EOP believes that this search sufficiently covered the scope of the Committee's subpoena. If, however, you have any questions, please call me at 202-456-5814.

Sincerely,



Dimitri J. Nionakis
Associate Counsel to the President

Enclosures

Cc: Beth Nolan, Counsel to the President

Ms. NOLAN. Exhibit 60. Thank you.

Mr. BURTON. Exhibit 60.

Mr. BARR. It shows a carbon copy to you.

Mr. BURTON. Would you see if you can get another copy for Ms. Nolan?

Mr. BARR. I'm having a copy made right now. We should have another copy up here, I would think.

Ms. NOLAN. Mr. Raben has it, sir.

Mr. BURTON. You found it. OK.

Mr. BARR. The question is, how can that assertion be true when y'all's testimony is that you don't know whether any relevant e-mails came into the White House during the August 1996, November 1998, timeframe?

Ms. NOLAN. At that time, Mr. Barr, I did not know and I do not believe anyone in my office knew that there was a problem with retrieval of certain e-mails in ARMS searches.

Mr. BARR. So that may or may not be a complete, full and accurate statement—

Ms. NOLAN. Which statement is it that you're referring to specifically, now that I have the document, sir?

Mr. BARR. The one that I read.

Ms. NOLAN. I'm sorry. I didn't have the document at the time so I would just like some help finding it.

Mr. BARR. I was going to. I was in the middle of a sentence. And it appears on page 2, the third paragraph, the scope of our recent search for Waco-related materials encompassed all items or documents in any way relevant to the events occurring at the Branch Davidian compound in Mount Carmel outside of Waco, TX in February to April, 1993.

Ms. NOLAN. Yes, sir. That was the scope of our search at that time, yes, sir.

Mr. BARR. OK. And the question is, how can you all make that statement—that assertion? It seems to me that it's not true because you don't know whether or not during this timeframe here, August 1996 to November 1998, whether any relevant e-mails came into the White House.

Ms. NOLAN. Sir, the statement is what the scope of our search was. I don't believe we've ever been able to say that we have found every possibly relevant document. We make a good-faith effort to search.

Mr. BARR. That's what it says: All items or documents in any way relevant to the events occurring at the Branch Davidian compound.

Ms. NOLAN. The scope of our search encompassed all items or documents. That's what we searched for.

Mr. BARR. It's a circular argument.

Ms. NOLAN. We can never be sure, Mr. Barr, that we found everything. We make a good-faith effort and a very vigorous effort to find things. But we can't be sure that we've ever—I don't think anyone can ever say that I'm absolutely sure I found everything. And that letter doesn't say that.

Mr. BARR. Do you all do this with courts also?

Ms. NOLAN. Sir?

Mr. BARR. Do you all do this with courts, add a footnote to everything that you all say?

Ms. NOLAN. There is no footnote, sir.

Mr. BARR. There is. You just told me that, despite the plain language of this, that you have sent us all items or documents in any way relevant to the events occurring.

Ms. NOLAN. Sir, that is the not the plain language. I don't see the words "sent you" in there. What I want to make clear, because I don't want this to be about a little, you know, sort of word game. That's not what it's meant to be. We identified what the scope of our search was. More importantly for these purposes, we were not aware that in the scope of that search there might be e-mails that would not have been retrieved from that search.

Mr. BARR. Despite the fact that we have established that going back to at least 1998 y'all knew there was a problem with retrievable e-mails?

Ms. NOLAN. We knew there had been or might have been—at least Mr. Ruff informs me that he knew there had been or might have been a problem, that a second search was done, that the documents that were found in that were duplicative and he did not believe—

Mr. BARR. It was only a partial search.

Ms. NOLAN. Sir, I'm telling you what Mr. Ruff knew and understood in 1998.

Mr. BARR. We'll get Mr. Ruff in here to tell us what he knew or should have known. What I'm saying, though, is the argument that y'all are using—and it does get back to the parsing of words and what the technical sentence structure is, something that is so endemic to this administration, what you're saying is a circular argument. You're saying whatever we give you is what we give you, and we may or may not know that there's something that we're not giving you.

Ms. NOLAN. That's right, sir. That's how any document production is done.

Mr. BURTON. The gentleman's time has expired, but we'll get back to him in just a little bit.

Would you like to take a break for about 5 minutes? That would be fine. We'll try to wrap this up as quickly as we possibly can.

Stand in recess for 5 minutes.

[Recess.]

Mr. BURTON. We will try to reconvene here and wrap this up in the next half hour, if it is at all possible. I appreciate your patience today with all the questioning, but I think it really is important that we get as many answers as possible today.

Let me start off and try to get some of the questions I need.

First of all, I ask unanimous consent that a set of documents which may be used as exhibits in today's hearing and which have been shared with the minority be entered into the record and, without objection, so ordered. We've already cleared that with the minority.

[NOTE.—The referenced material is provided at the end of this hearing.]

Mr. BURTON. When the White House belatedly produced videos to the Justice Department in 1997, Mr. Raben, the Attorney Gen-

eral stated that she was mad and that she was very disturbed that the tapes had not been produced in a current fashion and that it had taken so long after the production of the tapes to let them know, the Justice Department. Was the Attorney General mad or angry when she found out about the missing e-mails and had never been—that had never been produced to the Justice Department? Was she angry about that or do you know?

Mr. RABEN. I couldn't characterize her thoughts on it.

Mr. BURTON. When the Attorney General found out there were embarrassing Waco flare tapes, she had U.S. Marshals seize them from the FBI. Did she ever consider sending Marshals to seize the back-up tapes from the White House?

Mr. RABEN. I don't know what she's considered in her mind, sir. I know that she is interested in being as responsive to you as possible.

Mr. BURTON. Is there any concern in the Campaign Finance Task Force that the Justice Department lacks the ability to enforce any of its document requests to White House or other agencies? Does it lack, in your opinion, the political will to enforce those document requests?

Mr. RABEN. If they're concerned within the Campaign Finance Task Force?

Mr. BURTON. Yes.

Mr. RABEN. I don't know what concern the Campaign Finance Task Force might have. I know that they've initiated a criminal investigation.

Mr. BURTON. In the Filegate lawsuit, Justice Department lawyers characterized the claim that there were missing White House e-mails as offensive. The Justice Department lawyers also stated that it is unduly burdensome to perform broad-based searches of archived and backed-up e-mails, especially e-mails stored in non-word-searchable format. Given that that's the position of the Justice Department in that case, how can the Democrats now turn around and investigate the White House?

Mr. RABEN. The characterization as offensive is something I would never do. I think that was a mistake.

The second part was the undue burden to a particular e-mail retrieval search. I have no—I don't have the technical expertise to offer my opinion as to whether it's unduly burdensome. I think—

Mr. BURTON. You disagree—

Mr. RABEN. Excuse me. I'm sorry.

Mr. BURTON. You disagree with the term that was used by the Justice Department, that the missing e-mails were offensive?

Mr. RABEN. I never write in that fashion.

Mr. BURTON. Do the lawyers on the Campaign Finance Task Force believe that it's offensive to suggest that the White House or any other entity under investigation would withhold documents or have you talked to any of them about that?

Mr. RABEN. I'm sorry. I missed the question. I'm sorry.

Mr. BURTON. Do the lawyers on the Campaign Finance Task Force believe that it's offensive to suggest that the White House or any other entity under investigation would withhold documents?

Mr. RABEN. I really can't characterize what they believe. I think that the people that I have met are hard-working, dedicated, mostly career people who go about their business.

Mr. BURTON. Well, they were talking about it being offensive that the White House would withhold documents. So you don't have any feeling—you really haven't talked to anybody on the task force about any of this?

Mr. RABEN. I haven't heard them—the few individuals I have interacted with I haven't heard them editorialize or offer rhetoric like that.

Mr. BURTON. Ms. Nolan, you wrote a letter to us and in it on page—the last page of it.

Ms. NOLAN. What number is that, sir?

Mr. BURTON. I don't know that there's a number on this, is there? It's the March 17th letter you sent to me.

Mr. BURTON. Thank you, sir.

Ms. NOLAN. I just had one question about this. On the last paragraph of that letter you say, "the process may be performed in batches, i.e., several back-up tapes at a time. If reconstruction were possible, we would likely begin the process with the November 20th, 1998, and June 1st, 1999, back-up tapes, approximately 15 tapes total. This process would entail extracting the unrecorded e-mails from the back-up tapes and putting them on a server. This estimate . . ."

And then you go into the timeframe and everything. It says, "this estimate does not, however, include the possible restoration of OVP back-up tapes as well as the time and funds needed to perform other steps in the process such as awarding a competitive contract, searching ARMS printing search results, manually reviewing them and producing responsive materials."

One of the concerns that we have is that some of the batch that we're concerned about start back when this problem occurred in September 1996. And if you start with the batches at the front end, i.e., the ones most recent, then if you run into a logjam, the chances are or problem—the chances are this might not be solved or we may not get the documents until well after the November election, which might be fortuitous for those who may be involved. And so what we wanted to know is assuming—and you said the contract has been signed.

Ms. NOLAN. Yes, sir.

Mr. BURTON. Assuming a contract has been signed, we would like to know if these e-mails that could be relevant to our investigation, the campaign finance investigation, which would be the ones going at the beginning of the problem in September 1996, would be the first batch to be looked at.

Ms. NOLAN. Mr. Chairman, before I answer that, you said something which reminded me I wanted to say that there had been a question earlier, and the contract does include restoration of the OVP back-up tapes. So thank you for reminding me of that.

Mr. BURTON. OK.

Ms. NOLAN. Second, we, as you know, have several investigative bodies we will be dealing with. The reason we talked about the November 1998, and June 1999, back-up tapes first is because they took a picture of the server with everything on the server right be-

fore they restored—started restoring on a going-forward basis incoming e-mail to ARMS. So that seemed like it might be the quickest way to get a comprehensive picture of what the server looked like. It would be anything that remained on the server, whether it was from 1995 or 1996 on that day.

Then the contractor—as I understand it, the contractor is going to have to go through and figure out exactly what we have back-up tapes of, what dates they are, which ones have e-mails on it. We haven't made any determination about what order to do that in. I hear what you're saying, sir. We're just going to have to work out in terms of timing how we can get this done.

Mr. BURTON. We're checking with some computer people as well, and it may very well be that these computer tapes could be handled in a much quicker fashion than 6 months, and so—

Ms. NOLAN. If that's the case, I would be delighted, sir. We really have, you know—we originally heard 18 months or 3 years. I said I wanted us to find a way to get it done quicker. The OA has made part of the contract that the contractor is to provide innovative ideas for how to do it; and if we can move up the date, that would be great.

Mr. BURTON. We'll be talking to you about that.

Mr. Barr.

Mr. BARR. Ms. Nolan, just to close the loop on my prior questioning regarding this letter of January 28th, that is approximately I think 10 days after you were briefed on this matter. I believe you testified that it was about—was it January 18th?

Ms. NOLAN. I think it was the 19th. It might have been the 18th, sir. I'm not sure.

Mr. BARR. So you were aware of the e-mail problem at the time this letter was written.

Ms. NOLAN. Mr. Barr, as I testified, I was briefed about some problem. I did not understand that it had an effect on e-mail searches. So when the letter said—first of all, though, I want to be sure that it's clear that what the letter said the scope of our search is, what we looked for.

Mr. BARR. I mean, it's—you just keep going around in circles on that. It's very self-serving.

Ms. NOLAN. I did not know there was a problem, no, sir.

Mr. BARR. That is not what the letter says. But I understand this administration. I still don't buy into this argument that you all didn't know the scope of the problem. It was something that was deemed very important and very serious to the Northrop Grumman experts. And they briefed, did they not, Mr. Ruff on this?

Ms. NOLAN. I don't believe any of the counsel's office people ever talked to the Northrop Grumman people, no, sir.

Mr. BARR. Mr. Ruff did not request a discussion with them?

Ms. NOLAN. As I understand it, he received information from Mr. Lindsay, Mark Lindsay, then general counsel of the Office of Administration.

Mr. BARR. When did he receive that?

Ms. NOLAN. Well, you know, some time in June 1998, sir.

Mr. BARR. What did he receive?

Ms. NOLAN. Well, that—as I've testified, what I know is that Mr. Ruff heard that there was a problem or might have been a problem

with an e-mail search. That OA then conducted a second search. That second search showed that there, in fact, were no missing e-mails. He did not understand that there was any ongoing problem.

Mr. BARR. What did he receive from Mr. Lindsay?

Ms. NOLAN. I believe he received a copy from Virginia Apuzzo of the June 19, 1998, memorandum; and I believe he spoke with Mr. Lindsay.

Mr. BARR. That memorandum wasn't from Mr. Lindsay.

Ms. NOLAN. That was from Mr. Lindsay's superior, Virginia Apuzzo.

Mr. BARR. I think Mr. Ruff received a large number of e-mails from Mr. Lindsay. Mr. Lindsay testified last week he took over to the White House counsel's office.

Ms. NOLAN. Those were the e-mails that were the second search which I am told turned out to be duplicative.

Mr. BARR. Is that what you meant when you said that Mr. Ruff received some materials from Mr. Lindsay? Those documents?

Ms. NOLAN. Those are the only documents I'm aware of.

Mr. BARR. So he received those from Mr. Lindsay.

Ms. NOLAN. I don't know that Mr. Lindsay physically handed them to Mr. Ruff.

Mr. BARR. You testified that he received something from Mr. Lindsay. What did he receive from Mr. Lindsay? That's what I'm trying to get at.

Ms. NOLAN. Mr. Barr, what I know is that he received from OA——

Mr. BARR. Just a few minutes ago——

Ms. NOLAN. If I misspoke, I'm sorry. What I know——

Mr. BARR. I don't know—I don't know that you misspoke.

Ms. NOLAN. I don't know either, sir. I'm just trying to tell you what I know.

Mr. BARR. You told me what you know. You told me just a few moments ago that Mr. Lindsay received something from—or Mr. Ruff received it—from Mr. Lindsay. I'm asking what it was.

Ms. NOLAN. Maybe someone could read that back to me, sir. I don't know that I said that. What I said, I think, was that Mr. Ruff received a briefing from Mr. Lindsay.

Mr. BARR. Briefing from Mr. Lindsay.

Ms. NOLAN. Yes, sir.

Mr. BARR. OK. So your testimony now is not that he received any documents from Mr. Lindsay.

Ms. NOLAN. OA provided documents. I believe that Mr. Lindsay provided them to the counsel's office. I don't know what I——

Mr. BARR. You don't know who got them either.

Ms. NOLAN. That's correct, sir.

Mr. BARR. Nobody over there knows who got them.

Ms. NOLAN. I don't know, sir.

Mr. BARR. We've established that.

Well, Mr. Lindsay doesn't remember who he gave them to.

Why do you take the position, contrary to the testimony last week, that those documents that were sent over there, that box of 1,000 or however many e-mails, was a complete search? It was never a complete search.

Ms. NOLAN. I have never said that sir.

Mr. BARR. How do you know that there weren't other documents that were relevant to these subpoenas, such as the Waco subpoena, such as the subpoenas from the independent counsel, such as the subpoena from this committee?

Ms. NOLAN. I have never said I don't know. I have said that what I understood from Mr. Ruff, what he understood at a time when I was not there, sir, what I understand from Mr. Ruff is that he understood there was or might have been a problem. He understood that a search had been done. I have never said it was a complete search or what he understood about the nature of the search. I don't know, sir.

Mr. BARR. Mr. Chairman, am I missing something here? Didn't this witness just testify to that?

Mr. BARR. Maybe we should ask Mr. Waxman. He records this stuff.

Mr. BURTON. Mr. Barr, your time has expired. I'll be happy to yield to you more time in just a second.

I would like to ask Mr. Raben if he's heard back from the Justice Department about the attorney that worked on Mr. Barry's sworn affidavit.

Mr. RABEN. I have heard back. My understanding as of 5:13 is that the pool of attorneys that would have—could have interacted with the gentleman's affidavit, as appears on the public filings, Ann Weissman; James Gilligan; Elizabeth Shapiro; Alison, I believe it's pronounced Giles, G-I-L-E-S. There is another attorney on the filing Julia Covey, but their understanding as of 5:13 is that she is not among the pool of attorneys who would have interacted. But as I get more information—

Mr. BURTON. So let me have those names again, their full names.

Mr. RABEN. I will give it to you, but these are the attorneys who appear on the public filings in the civil case. David Anderson, as I said before, is the director of the Federal programs branch. The other names that appear on the filing, in addition to David Ogden and Wilma Lewis, are Ann Weissman, James Gilligan, Elizabeth Shapiro and Alison Giles. And except for Mr. Anderson I understand all of those to be line attorneys in the Civil Division.

Mr. BURTON. So what you're saying is one of those probably is the one that worked with him on his sworn affidavit.

Mr. RABEN. Our understanding, as of right now, is that at least one—it's possible that more would have interacted.

Mr. BURTON. OK. Well, the reason I ask is because we'll be issuing subpoenas for them; and I want to make sure that we don't unduly burden the others who may not have been involved.

Mr. RABEN. I understand that. And I expect—I suspected that you would send subpoenas to those people, and I expect that we'll try to have conversations with you about our line attorney policy and our pending criminal case policy.

Mr. BURTON. Would both witnesses—both of you agree to answer written questions put to you by the committee so that we could include them in the record? And, if so, we'll hold the record open for those answers. Is there any problem with that with either one of you?

Ms. NOLAN. No, sir. No problem.

Mr. BURTON. Mr. Barr, do you have any more questions? The counsel—we want to give the counsel some time. He has a few questions that he would like to summarize with. If you have more questions, go ahead.

Mr. BARR. One of the areas that we went into last week with the other Mr. Lindsay was something that he used—he kept using a term, and finally we asked him what was this term, “mission-critical project?” Have you ever heard of that term?

Ms. NOLAN. Not until today, sir, I don’t think I’ve heard it.

Mr. BARR. You didn’t hear it last week? We spend quite some time with him going over it.

Ms. NOLAN. I did not. I saw some but not all of Mr. Lindsay’s testimony.

Mr. BARR. I yield back, Mr. Chairman, for counsel.

Mr. BURTON. We’ll now yield to the counsel for some questions.

Mr. WILSON. Ms. Nolan, good afternoon. Mr. Raben, good afternoon.

Ms. NOLAN. Good afternoon.

Mr. WILSON. Just to clarify things for the record, you’ve told us today that you had conversations with former White House counsel, Charles Ruff, correct?

Ms. NOLAN. Yes, sir.

Mr. WILSON. How many conversations have you had with Mr. Ruff since the newspaper articles first made you aware that there was a problem with the e-mail situation?

Ms. NOLAN. I think two or three. I’m not sure. Two or three.

Mr. WILSON. OK. Now just so we can be precise here, if you would please tell us everything he told you about his various exposures to this problem. What did he tell you?

Ms. NOLAN. He told me that he was informed that there was or may have been a problem with an e-mail search, that he spoke with Mark Lindsay about it, that he—that OA had conducted a second search and that, as far as he knew, that search had shown that there were no missing e-mails and that he, therefore, thought there was no problem.

Mr. WILSON. OK. Fair enough. With—the time that he spoke with Mr. Lindsay, did he tell you whether other people were involved and—tell us, was this a meeting that he had with Mr. Lindsay or a telephone conversation?

Ms. NOLAN. I know—I know he said that he met with Mr. Lindsay, but I’m not sure.

Mr. WILSON. You know where he met with Mr. Lindsay.

Ms. NOLAN. I don’t.

Mr. WILSON. Do you know if anybody else was in the meeting?

Ms. NOLAN. I don’t.

Mr. WILSON. Have you reviewed any records in the last week? We received records indicating that on June 19th Mr. Lindsay had a meeting with Mr. Ruff and an individual named Mills. I assume that’s Cheryl Mills. Have you reviewed records about meetings?

Ms. NOLAN. I have seen that calendar entry, yes.

Mr. WILSON. What does that calendar entry mean?

Ms. NOLAN. It means that at that time he had a meeting set up with Mr. Lindsay and Ms. Mills. I don’t know if he had it—if all three people were present. I just don’t know.

Mr. WILSON. It's fair to say you've not asked him whether he actually did have the meeting with those individuals.

Ms. NOLAN. He remembered that he had met with Mr. Lindsay. I think he remembered that he had discussed it with Ms. Mills. I did not ask if she was in the meeting at the time. I'm not sure that she was.

Mr. WILSON. So since you've received the documents, you've not asked him the question did you meet with Mr. Lindsay and Ms. Mills on this issue?

Ms. NOLAN. He had already told me that he had discussed it with Ms. Mills.

Mr. WILSON. Did he discuss it with Ms. Mills at a different time than he discussed it with Mr. Lindsay?

Ms. NOLAN. I don't know the answer to that.

Mr. WILSON. So is that fair then to say that you have not asked him whether he met with Mr. Lindsay and Ms. Mills at the same time?

Ms. NOLAN. At the same time? I don't believe I've asked him that, no, sir.

Mr. WILSON. Fair enough. I guess the threshold issue here is, you've told us what Mr. Ruff said. Do you believe Mr. Ruff's story?

Ms. NOLAN. I do.

Mr. WILSON. OK. I mean, the problem—it's been stated a number of times and I have a few very specific questions about the test search that was done, but the problem obviously for us is that there were a number of employees who knew there was a serious problem.

Within days of their elevating the problem to their superiors, a memo was produced from an assistant to the President to the deputy chief of staff to the President, who's well regarded and is the current chief of staff to the President. At an almost contemporaneous time, a briefing was held where Mr. Lindsay explained the problem to Mr. Ruff. And the problem that we're confronted with right now is almost everyone seems to have understood the parameters of the problem except Mr. Ruff. And so did Mr. Ruff give you any indication of how it was that he did not become aware of the basic parameters of this problem?

Ms. NOLAN. I just want to say that I'm not at all sure that everyone—it's clear to me from the testimony and from memos that people began to understand the parameters of the problem. It is not at all clear to me that everyone understood them at all. And, believe me, when I started asking questions in February of this year the—it wasn't clear to me that everyone understood the parameters of the problem.

Mr. WILSON. Well, clearly, not every computer glitch results in a memo to the deputy chief of staff and a contemporaneous meeting with the counsel of the President. And there was—as we learned last week, there are some differing recollections, but there was great certainty as to what the problem was.

Let me just read you a couple of statements that Mr. Barry made in e-mails, and they were admittedly after the fact, but Mr. Barry says in one e-mail, I feel that the records must be recreated and any searches need to be reperformed if the requesters feel it's nec-

essary. This is a daunting proposition, but I do not see any other alternative.

In another e-mail, Ms. Gallant, who was the Associate Director of the IS&T Division, says, I also agree with Tony about the new searches that will have to be done. We need direction from OA counsel on that front.

And I'll leave this because I have some very specific questions, but it seems very clear to us that there was a concern that there was a universe of documents that had not been searched for responsiveness to subpoenas. Which takes me to, I guess, the real question. Mr. Ruff, you've told us, was concerned that there was a search, and the search indicated that there were no e-mails that had not been produced to any requesting body, is that correct?

Ms. NOLAN. I'm sorry. Could you repeat? I just want to make sure that your characterization of what I've said is accurate.

Mr. WILSON. I guess this was my characterization. But there was a search conducted by computer programmers Northrop Grumman computer contract employees, and the search involved terms that had Monica Lewinsky in them, is that correct?

Ms. NOLAN. It was a search related to the Monica Lewinsky investigation. I don't know what the terms were. I haven't seen the search.

Mr. WILSON. That was my next question: What was the search?

Ms. NOLAN. I don't know. Mr. Haas was here last week. He's the one who did the search. As I testified earlier, I have not seen what's on his F drive, what he saved of the search.

Mr. WILSON. Have you made any inquiries as to what the search was?

Ms. NOLAN. I have made inquiries. I have not yet determined exactly what it was, other than related to the Monica Lewinsky matter.

Mr. WILSON. At this point, you just don't know what the search was, is that's a fair—

Ms. NOLAN. I don't know what terms he used or what exactly he was searching for, no, I do not.

Mr. WILSON. Do you know, as you sit here today, whether this was a comprehensive search for all of the material about Ms. Lewinsky that would have been requested by the independent counsel?

Ms. NOLAN. I don't know what the search was.

Mr. WILSON. OK. I guess it takes us to the real concern. If you don't know what the search was, did you ask Mr. Ruff what the search was?

Ms. NOLAN. Mr. Ruff did not have any details for me. I don't think—I don't know if he doesn't remember or if his recollection is that OA took care of doing a search for these e-mails. I don't know the details of it.

Mr. WILSON. And who requested the search?

Ms. NOLAN. You know, I don't—that is one thing I don't know. I believe counsel's office did, but I don't know if OA said they would do it. I just don't know the answer.

Mr. WILSON. This is a matter of great importance for us for the next few questions I'll ask. But have you asked anybody in the counsel's office about this search?

Ms. NOLAN. Yes.

Mr. WILSON. And what do they tell you? Did they request a search?

Ms. NOLAN. I don't recall whether the counsel's—I don't recall hearing that anyone in the counsel's office requested the search. I don't know if Mr. Ruff requested it. I just don't know.

Mr. WILSON. The reason I mention this at this point and believe that it's of great importance is because the search that was actually conducted appears to be a very, very minor or preliminary type of search. It appears to have involved a request for documents that pertain to one individual and we were told four other individuals. But it doesn't appear to be a particularly all-encompassing search. Is this your understanding of this particular Lewinsky search?

Ms. NOLAN. That's my general understanding. As I said, I haven't seen the search, but it's my understanding that Mr. Ruff had been told there had been a problem or understood that there was a problem with a particular search and that another search was being done to see if there was a problem with that particular search. So I don't know that anybody said anything about an all-encompassing search.

Mr. WILSON. We were told by the employees when they did the search they came up with three reams of documents. I originally asked if that's about this many documents, and I was told it was about this many documents. That's what we were told last week.

Now the question is, if this was a very preliminary search and it showed a fairly significant universe of documents, maybe duplicative, maybe not, but a fairly large universe of documents, did anybody—have you discussed with Mr. Ruff whether he said maybe we better go back and do a comprehensive search because there is a problem?

Ms. NOLAN. No. As I've said, it's my understanding that what was provided to the counsel's office—and I don't know if what was provided was this amount or this amount. I don't know. But what was provided to the counsel's office was checked against what the counsel's office already had been provided.

Mr. WILSON. But let me—

Mr. BARR. Would counsel yield for just a moment?

I'm sorry, but with regard to the sort of—the line of reasoning in the position that y'all are taking with regard to this subpoena from this committee with regard to your conclusion that however many documents there were here—and I think we've established that there were quite a few subject to the search that Mr. Haas conducted or was directed to conduct and did conduct—that someone made a determination that they were duplicates of others that had already been provided pursuant to the subpoenas to the Congress. Was a similar conclusion reached and conveyed to the courts in any pending civil litigation that documents—none of these documents were going to be furnished to the court because they were determined to be duplicative by the counsel's office?

Ms. NOLAN. Mr. Barr, it's my understanding that the counsel's office determined that they had already produced whatever those documents were.

Mr. BARR. So they made this determination that these documents were duplicative and, therefore, for all purposes, whether it

was the independent counsel, a congressional committee or civil action—and, therefore, none of them were going to be produced because they already had been?

Ms. NOLAN. It is, again, my understanding that Mr. Ruff understood there was a problem with a particular search; and it was that search that they were looking to see if there were duplicative documents.

Mr. BARR. I'm not sure we're going to get anywhere on that. But just with regard to the determination that you say was made that, with regard to these documents that counsel is asking you about now, that they were not furnished to anybody because they were deemed to be duplicative, that applies to not only the request from this committee, the subpoena, but to anybody else that had asked for those, including the courts or the independent counsel?

Ms. NOLAN. I apologize, sir, maybe having been here for this long I'm having trouble following, but I don't know the question. There was a search done with respect to one subpoena in one investigation. That was, as I understand it, what Mr. Ruff understood there might have been a problem about. He didn't understand that there was a problem about any other search or any other investigation. So I'm just not sure how to answer your question.

Mr. BARR. Weren't these documents subject to a number of different requests, including but not necessarily limited to the independent counsel, this committee, the impeachment committee and possibly other civil actions?

Ms. NOLAN. Documents that would have been responsive?

Mr. BARR. That relate, for example, to Ms. Lewinsky, possibly Waco.

All I'm saying is, you're saying that Mr. Ruff made the determination that, for purposes of one subpoena, these documents that Mr. Haas uncovered were duplicative and, therefore, they were not submitted pursuant to that one subpoena.

Ms. NOLAN. That's the only problem he understood might have existed.

Mr. BARR. Were those documents then submitted to any other outside requestor, such as the independent counsel, the party to the civil action or the impeachment committee?

Ms. NOLAN. I am sorry. I don't understand.

Mr. BARR. Maybe, counsel, you can ask with a little more clarity.

Mr. WILSON. Let me just pick up on something you just said here.

Mr. BURTON. If the gentleman will yield. What they're asking is, the duplicates, were they provided to anybody other than—

Ms. NOLAN. No, I think that the—

Mr. BURTON. Once it was decided they were duplicates, you didn't provide them to anybody.

Ms. NOLAN. Not that I'm aware of, no. They were duplicates with respect to a particular subpoena request by a particular investigator—I believe the independent counsel. If those e-mails were requested by another investigative body, the counsel's office did give them already. But I don't know if they were, sir. The duplicate search, however, as I understand, it was related just to this one request.

Mr. WILSON. Let me pick up on that, if I may, because everything you've said flies in the face of everything we've been told. You just indicated that there was—what was taken to Mr. Ruff was pursuant to a search request falling from a subpoena. What we have been told—and disavow me of this error if I'm wrong—what we were told is that individuals identified a problem and did a test using a very prominent and in-the-news name at the time to determine whether there were documents in this vast universe of information that would be—that would show that there was, in fact, a big problem.

And so, consequently, what we've been told is that there was not a specific subpoena request trying to track down all the information pertaining to Monica Lewinsky. We've been told that there were requests made, that there was a test made to see what was in this universe of documents on the server at the time. And they used the name Monica Lewinsky and they used some other names. But what you're telling us now is quite different. I wanted to followup on the point I'm just making.

Ms. NOLAN. Can I make clear that I'm telling you what I understand Mr. Ruff understood at the time? I cannot tell you what search was actually done, as I've said, or what terms were used or how it was decided to do it. I don't know the answers to that. So I don't think what I'm telling you is different. I'm just telling you what Mr. Ruff understood at the time.

Mr. WILSON. Right. I appreciate that. That's why I asked my initial question, and that's very helpful. But the search—and I guess this goes to, you know, what happened in the meeting with Mr. Ruff, trying to keep sight of the forest and get the trees out of the way here. The search was a very, very insignificant type of search. It wasn't the search, from what we've been told, that White House counsel's office constructed to determine what would be responsive to the Lewinsky subpoena. It was just a simple search asking for information about Lewinsky and some individuals. And to my way of thinking any responsible lawyer would have looked at that search, seen there was a lot of documents, even say we ought to do a really thorough search, but that's not your understanding of this.

Ms. NOLAN. It's not my understanding that there—I don't know what Mr. Ruff knew about the search or the kind of search it was. It's not my understanding that he knew it was, as you characterize it, a simple search or that it even was a simple search. I don't know, and I'm not able to testify about that.

Mr. WILSON. This is important to us because all day you've been—represented that the Lewinsky documents were duplicative and that went to the issue there's not really a big problem here because these are duplicative documents.

Ms. NOLAN. I have been representing what Mr. Ruff and the counsel's office understood at the time, and I continue to represent that. But I just want to make clear that that's all I'm able to testify about. I wasn't there. I don't have any independent understanding.

The Northrop Grumman employees who you had here last week, who you were able to talk to, have been represented by Northrop Grumman counsel. I've not talked to them. So my information is

as I've presented it. And I just want to be clear about what I am testifying.

Mr. WILSON. OK. I understand. I just—to recapitulate, and I'll move away from this in a moment, but the point I guess I'm making is, our understanding—the search that was conducted was conducted to show that there was a systemic problem, a significant issue had arisen. A search was conducted that showed, yes, there was that problem. And your testimony—and I know you're telling us what Mr. Ruff has told you, but your testimony is that Mr. Ruff did not perceive in the meetings that he had that there was a systemic problem. And our understanding is that everything that was done showed that there was a problem with the system and yet it seems that everybody but Mr. Ruff knew that there was a problem with the system. And yet there is a disconnect here.

Ms. NOLAN. There is a disconnect. I think I testified to that. I think there's no question about that. That the people who knew the technology knew things that the counsel's office who are producing documents did not know. There's absolutely no question there was a disconnect.

I do want to say again, though, that I don't agree with the characterization that everyone else knew. I don't have any information that suggests that's the case. Some people knew. The technical people knew. The e-mails that have been referred to throughout this day don't seem to have been sent beyond the technical people.

And it is also true that certain people in OA, other than the technical people who were sending the e-mails, did know that there was a problem and have known that there was a problem. That was—that disconnect occurred. There's no question about that.

And the other thing I just wanted to mention is I don't know Mr. Ruff had meetings. You referred to meetings. I'm aware that he discussed this with Mr. Lindsay. I don't know, you know, if it was in a face-to-face meeting, if there was more than one discussion. I don't know that.

Mr. WILSON. I can understand that. But one of the problems we've had is you've had conversations with Mr. Ruff and you come here and you're not even sure if there were meetings on this subject, which obviously means we have to go into the next phase.

Let me leave that now, because there are two different opinions on this matter at this point.

Earlier, a number of members had asked you questions about when you first realized that something was wrong and that something needed to be done, and we sort of danced around the fact there was a newspaper article and there was a filing in a civil lawsuit.

Ms. NOLAN. I didn't mean to dance. I did not dance. If I was dancing with someone, I was unaware of it.

Mr. WILSON. If you could try and pin it down with specificity, when did you first know that you would have to go back and reconstruct the e-mails?

Ms. NOLAN. I can't pin that down with specificity. I did not know there was a problem that would require us to reconstruct until sometime last month for purposes of our productions. I did know in January that OA was going to reconstruct some things for Federal records. I just—and that they were going to proceed with that.

Sometime last month I realized that it was a problem that would have affected our ability to retrieve certain e-mails that were requested.

Mr. WILSON. When you learned of the problem, when it first became apparent to you that there was this significant problem, did you meet with the contract employees who—let me ask this. Have you ever met with the contract employees who were originally aware that there was a significant problem?

Ms. NOLAN. As I've said, almost right away, those contract employees were represented by Northrop Grumman counsel. We tried to talk to their counsel several times. We weren't able to talk with them.

Mr. WILSON. Well, I have a recollection of that because I was very involved. The newspaper article occurred, and there was a number of weeks before Northrop Grumman counsel was retained. Did you make an effort in the interim to—

Ms. NOLAN. We certainly talked to people in OA. I don't know who people in OA talked to. But they—of course, the contract employees—and I think there was testimony about this last week. There are apparently quite strict rules about who in the complex talk to contract employees and through whom, as I think you know.

Mr. WILSON. It's correct to say then that, right after the newspaper article from the Washington Times that basically identified this problem came out, you did not in the first week make an effort to talk to the contract employees. Is that a fair characterization?

Ms. NOLAN. I don't know. I just don't know.

Mr. WILSON. Well, I guess if you could please tell us when you first did make—provide for the written record afterwards.

Ms. NOLAN. What are you asking me to tell you? I'm sorry?

Mr. WILSON. When you first made an effort to reach out to the contract employees to understand.

Ms. NOLAN. I will see if I can get that information.

Mr. WILSON. Just a couple last questions. One last subject.

This is due diligence here, because it's a different type of document that we've had I guess misunderstandings with or problems with. So I'll ask you about telephone records so that we can get a definitive answer about telephone records.

It's been reported in the press—and, obviously, that doesn't make it right—but it's been reported in the press that there are White House telephone records dating back to 1993. Are you aware of the existence of any telephone records related to any telephone calls going either into or out of the White House?

Ms. NOLAN. I'm not.

Mr. WILSON. OK. Is this a subject that you've ever had any discussions about?

Ms. NOLAN. Certainly asked with reference to when this e-mail issue came up. I was also made aware that there had at some point been a claim about the telephone records. I asked one of the attorneys in my office who had handled the case, again, Michelle Peterson. She informed me that at the time she had spoken with Sheryl Hall about the matter, who told her that there was no truth to that allegation. We determined that there were no such records. That's what I thought about it.

Mr. WILSON. Who first made you aware of the allegations that there were telephone records?

Ms. NOLAN. I don't know. It came up at some point after I was aware of this e-mail issue. I just don't know who it was.

Mr. WILSON. Are you aware of whether any of your predecessors in the White House counsel's office have attempted to definitively determine whether there are telephone records—and I'm being as broad as humanly possible here—any type of record in any form whatsoever relating to any type of telephone call, either coming out of or going into the White House?

Ms. NOLAN. I'm not aware. I can tell you that when I was an associate counsel, at some point between 1993 and 1995, whoever was counsel then, I believe it was Judge Mikva, asked me whether we had the capability to retrieve certain telephone records. I made an inquiry to the Office of Administration and was told we did not and conveyed that to Mr. Mikva. That's the only thing I know about it.

Mr. WILSON. Well, I'll leave this line of questioning.

But if you could provide for us a definitive answer. I know you've told us right now that you're not aware of any records. But if you can check this and provide a definitive answer after the hearing as to whether there are any records in any format whatsoever of telephone calls going into the White House or coming out of the White House, if you could provide that for the record it we would be greatly appreciative. Will you do that?

Ms. NOLAN. I certainly will look and see. We will get back to you on that. I will provide them if I can, yes. So I will look and give you an answer to your question.

Mr. WILSON. Thank you very much.

Mr. BURTON. Thank you, counsel. Counselor.

Mr. SCHILIRO. Ms. Nolan, in the interest of time, I will not ask you a series of questions. The only question I have for you is, do you have some information that you are willing to share or ready to share with the committee today but nobody asked you the right question? And so if there's a question that you're ready to answer, but we just haven't figured out how to ask it—

Ms. NOLAN. I don't think so. I think I've—

Mr. SCHILIRO. Nothing else you want to say?

Ms. NOLAN. No, sir.

Mr. SCHILIRO. Thank you, Mr. Chairman.

Mr. BURTON. Let me conclude by asking one last question.

You keep using the term "subpoena request." My counsel has noticed this time and again. And if you look at the documents we served on you, they're just called subpoenas. Why do you call them "subpoena requests?"

Ms. NOLAN. I don't know. It's just how I refer to them.

Mr. BURTON. I just wondered if maybe there was a different legal definition that the White House applied to our subpoenas because they're supposed to produce documents or appearances. You don't have any—

Ms. NOLAN. No. No. I—subpoena sometimes does have a number of different elements of it. And it may be sometimes that somebody talks about a subpoena request as an element of a subpoena. But I am not sure that I use those terms consciously.

Mr. BURTON. All right. I want to thank you for your patience and your ability to sit there that long and answer all the committee's questions. You have been helpful. And we will continue to pursue this matter.

We stand adjourned.

[Whereupon, at 5:45 p.m., the committee was adjourned.]

WHITE HOUSE E-MAILS: MISMANAGEMENT OF SUBPOENAED RECORDS—DAY THREE

WEDNESDAY, MAY 3, 2000

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 10:10 a.m., in room 2154, Rayburn House Office Building, Hon. Dan Burton (chairman of the committee) presiding.

Present: Representatives Burton, Gilman, Morella, Shays, Ros-Lehtinen, McHugh, Horn, Mica, Souder, LaTourette, Barr, Hutchinson, Terry, Biggert, Ose, Vitter, Waxman, Owens, Towns, Kanjorski, Mink, Sanders, Norton, Cummings, Kucinich, Blagojevich, Davis of Illinois, Tierney, Turner, Ford, and Schakowsky.

Staff present: Kevin Binger, staff director; James C. Wilson, chief counsel; David A. Kass, deputy counsel and parliamentarian; Mark Corallo, director of communications; M. Scott Billingsley and James J. Schumann, counsels; Pablo Carrillo, Jason Foster, and Kimberly A. Reed, investigative counsels; Robert Briggs, deputy chief clerk; Michael Canty, legislative aide; Leneal Scott, computer systems manager; Lisa Smith Arafune, chief clerk; Maria Tamburri, assistant to chief counsel; Corinne Zaccagnini, systems administrator; Phil Schiliro, minority staff director; Phil Barnett, minority chief counsel; Kenneth Ballen, minority chief investigative counsel; Kristin Amerling, minority deputy chief counsel; Paul Weinberger and Michael Yang, minority counsels; Ellen Rayner, minority chief clerk; and Jean Gosa and Earley Green, minority assistant clerks.

Mr. BURTON. Good morning. Good morning. A quorum being present, the Committee on Government Reform will come to order. I ask unanimous consent that all Members' and witnesses' written opening statements be included in the record. Without objection, so ordered.

I ask unanimous consent that all articles, exhibits, and extraneous or tabular material referred to be included in the record. Without objection, so ordered.

I ask unanimous consent that the binder of exhibits that have been prepared for the hearing and shared with minority staff prior to the hearing be entered into the record, and without objection, so ordered.

I also ask unanimous consent that questioning in this matter proceed under clause 2(g)(2) of House rule 11 and committee rule 14 in which the chairman and ranking minority member allocate time to members of the committee as they deem appropriate for ex-

tended questioning not to exceed 60 minutes equally divided between majority and minority. Without objection, so ordered.

I also ask unanimous consent that questioning in the manner under consideration proceed under clause 2(g)(2) of House rule 11 and committee rule 14 in which the chairman and ranking minority member allocate time to committee counsel as they deem appropriate for extended questioning not to exceed 60 minutes divided equally between the majority and minority. Without objection, so ordered.

This week we will hold our 3rd and 4th days of hearings with the White House's failure to deal with the e-mail problem and their failure to comply with subpoenas. Today we will focus on what was happening in the Office of Administration. Tomorrow we will focus on what was happening at the White House counsel's office.

We just had a 2-week recess, but we're pushing ahead with this investigation. We're conducting interviews. We're reviewing documents. We're learning more as we go along.

We've been working on this investigation for a little over 2 months now, and it's very interesting to watch how the White House behaves in these situations. The White House is behaving exactly the way they do when they know they've done something wrong and they've been caught with their hand in the cookie jar. They are dusting off all of their old tricks that they used in 1997 and 1998 during the illegal campaign fundraising investigation. They turn over embarrassing documents late on Friday evening. They selectively leak problem documents over the weekend. It just happened again last weekend. They claim bogus privileges over the documents as a stalling tactic. People refuse to be interviewed prior to hearings.

You may not admire their tactics, but you have to admire their consistency.

When we held our first hearing with the Northrop Grumman contractors, I tried to put this e-mail problem into context. I went through a whole litany of the White House stalling tactics that we had endured, refusing to turn over documents until we got fed up and scheduled a contempt vote, the failure to turn over the White House videotapes, withholding documents in the White House database investigation, claiming false privileges to delay document production.

Instead of going through the whole laundry list again today, I think what I'll do is let them speak for themselves in their own words. A new book has just come out, *Truth at Any Cost*. It was written by a Washington Post reporter and a Time Magazine reporter. They found out a lot about the way the White House operated. Herald Ickes, who is the deputy chief of staff, is quoted as calling the White House approach a "foot-dragging, screw you attitude" approach. He apparently said it with a great deal of admiration. I cleaned up that quote just a little bit for the hearing room. But I think you get the picture.

So they drag their feet, they try to run out the clock, and then they blame the investigators for being partisan and taking so long.

There was another book about the White House written by Elizabeth Drew. She quoted another White House lawyer, Don Goldberg. Here's what he had to say, "it's an obvious strategy. On the Hill,

if you don't have much to go on, you decry the partisanship, and the print reporters will write in the first or second paragraph, and the TV stories will begin, 'In a hearing mired in partisanship,' and then they get to the subject of the hearing and you've won. That's Damage Control 101."

He goes on to say, "in a hearing, if you're playing defense, the goal is not to get your message out, the goal is to keep the other side from getting their message out. Then you've won."

Well, that may be damage control 101, but it's not public service 101.

What I don't understand is why it is that the White House spends so much time figuring out how to spin things when the facts aren't on their side and so little time trying to do things right in the first place. I'm going to spend more time talking about this tomorrow.

We have four White House lawyers on the schedule to testify: former White House Counsel Charles Ruff, former Deputy Counsel Cheryl Mills, Mark Lindsay from the Office of Administration, and Associate Counsel Dimitri Nionakis. But today we're going to focus on the Office of Administration.

We've reviewed a lot of documents at this point. We've interviewed some people. We haven't been able to interview others. We're starting to piece together the threads of what was happening. Hopefully by the end of this hearing, we'll have a clearer picture.

Here are a few of the key points that are starting to emerge. Point No. 1: The Northrop Grumman employees were threatened. This is becoming more and more clear. On March 23, five Northrop Grumman employees testified here. They said they were called to a meeting right after they discovered that thousands, maybe hundreds of thousands, of e-mails hadn't been searched for subpoena compliance. They said they were ordered to keep it a secret. They said they were ordered not even to tell their supervisors or spouses. Some said they were threatened. One said he was told there was a jail cell with his name on it.

The White House officials Laura Callahan or former Laura Crabtree, and Mark Lindsay denied all of that.

On Monday we interviewed a higher-level Northrop Grumman supervisor this past Monday, Joseph Lucente. He was three rungs up the ladder from the Northrop Grumman employees at the White House. In September 1998, he met with three of the contractors who were at the meeting with Mrs. Callahan and Mr. Lindsay. They had a long discussion about what happened. This was about 3 months later. So we asked Mr. Lucente, did your employees feel threatened? Last Monday he said yes. Were they prevented from talking to their superiors? Last Monday he said yes. Were they concerned that documents weren't being searched to comply with subpoenas? Last Monday he said yes. So once again, we have contemporaneous testimony that what was—what they said was true.

Point No. 2: We're getting more and more evidence that people wanted to get this problem fixed, and they couldn't get anyone to approve fixing it. Northrop Grumman was trying to get it fixed. Tony Barry was trying to get it fixed. Other people wanted to get

it fixed, but they couldn't get anyone higher up in the food chain to approve it.

We have a whole series of e-mails from Tony Barry. He was frustrated. I'm going to read a couple of the messages. August 13, 1998, "as far as I can tell, there is no movement under way to fix the problem and recover the lost records from the backup tapes." Does that sound familiar? "I am not at all clear what my role should be. I feel that the records must be recreated and any searches need to be reperformed if the requestors feel it is necessary. This seems like a daunting proposition, but I do not see any other alternative."

September 10, 1998, "I am growing increasingly concerned about the seeming lack of movement on the Mail2 problem. Do you know where the hold up is. We have known about this problem for 4 months now and not a single record has been passed to ARMS. Even worse, the root problem has not been fixed."

September 25, 1998, "It has been about 2 weeks since I sent my last 'concerned memo' regarding the Mail2 problem and I am still not seeing any movement on fixing the problem. I need to know, for my own sanity, exactly what my role in this project should be."

It seems clear that Mr. Barry knew that the Presidential Records Act wasn't being followed, and he was trying to get someone to pay attention to it. He was also the guy who was responsible for conducting e-mail searches when subpoenas came in, and he knew they weren't being done correctly, and he was probably worried about that in the compliance with the subpoenas.

Point No. 3: There was a hearing coming up before the Appropriations Committee in March 1998, and they were not sure how to handle it. Mark Lindsay, the director of the Office of Administration, testified at that hearing in 1999. The White House e-mail problem never came up, but the documents seem to indicate that there was a long debate over whether to ask Congress for money to fix the problem. If they asked for the money and they got it, then they could get the problem fixed. But it was a double-edged sword. If they revealed the problem by asking for the money, then Congress would know that document requests and subpoenas had not been complied with.

We have a copy of annual e-mail from Karl Heissner, who is here today. I hope you'll put exhibit No. 81 up on the screen. And here's what it says, "while I'll be glad to write up something related to the 'Information Requests' channeled to us via White House Counsel in response to various requests from Congress and litigants against the Government, we may not want to call undue attention to the issue by bringing the issue to the attention of Congress because," and then the sentence kind of ends. There's no period. And it looks like there may be some words erased there, but it says, We may not want to bring the issue to the attention of Congress because, and then it kind of drifts off, and then the sentence ends.

And the next paragraph states, "Last year's hours consumed by SID staff amounts to only over a little over 500, This year's hours consumed so far amounts to only 65, and The level of requests appears to be declining."

And then he concludes by saying, "Let sleeping dogs lie. . ." I think translated that means let's keep a lid on this, and don't let Congress and the independent counsels know about it. I don't like

the sound of it. When you hear that kind of talk from a political appointee, it's disappointing, but I come to expect it. When I hear it from a career employee, something is wrong, so we would like to know what Mr. Heissner was talking about here.

And then there was a lot of back and forth on the talking points Mark Lindsay would use if this came up in a hearing. It seems that some versions were more candid than others.

[Exhibit 81 follows:]

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Karl H. Heissner (CN=Karl H. Heissner)

CREATION DATE/TIME: 5-FEB-1999 09:06:44.00

SUBJECT:.

TEXT:

=====I

Note:

Issue: Mail2 Reconstruction (document attached)

Issue: Information Requests

While I'll be glad to write up something related to the "Information Requests" channeled to us via White House Counsel in reponse to various requests from Congress and litigants against the Government, we may not want to call undue attention to the issue by bringing the issue to the attention of Congress because

Last year's hours consumed by SID staff amounts to only a little over 500. This year's hours consumed so far amounts to only 65, and The level of requests appears to be declining.

(Let sleeping dogs lie...)

Karl

Issue: Mail2 Reconstruction

Background and Definition of Problem

In early 1998 Tony Barry, an IS&T Analyst, discovered that some e-mail messages he expected to find during a records search failed to show up. Further research revealed:

o Some time during the last 2 years the profiles of at least 420 Lotus Notes e-mail user databases existing on Server Mail2/EOP were set up incorrectly causing some or perhaps all incoming e-mail messages originating outside the EOP environment to not be "records managed." As best as can be determined the failure began in November/December of 1996.

"Records management," mandated by law, requires among other things that incoming and outgoing e-mail meeting certain criteria to be considered "Federal Records" be archived for future retrieval.

o The problem, that some e-mail messages were not being records managed properly, was discovered in February 1998, and Mr. Barry immediately notified the Lotus Notes Group (NG-Spriggs/Golas) as well as IS&T Management of the problem.

o In June 1998 the Notes Administrator (NG-Haas) determined that only certain e-mail messages received by the Notes Mail2 Server from sources outside the EOP were not being records managed, and identified the technical causes for the failure.

E 3827



[illegible]

[illegible]

[illegible]

21101D1F0001201500D0616E66480313939382C8074686F756768806180636F6D706C6574658074

E 3831

9
1
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1
1
1

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E 3833

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806170707267616380061735CF7

***** END ATTACHMENT 1 *****

E 3835

Mr. BURTON. We have another e-mail from Mr. Heissner. He's offering some edits to the talking points. I'd like to have exhibit 92 put up on the screen. I hope we can see that. My gosh, it's small. Wonder why we can't get that stuff blown up.

At first he basically states, here's the current—listen to this—at first he basically states, here's the current version of the talking points, and then he lists them. Then he states the more nearly accurate version. The more nearly accurate version. Who is putting together inaccurate talking points? And if this is the more nearly accurate version, where is the really accurate version?

[Exhibit 92 follows:]

500

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Karl H. Heissner (CN=Karl H. Heissner/)

CREATION DATE/TIME:24-FEB-1999 12:00:47.00

SUBJECT:: Re: Draft Hearing Preparation Paper

TO:Christa Moyle (CN=Christa Moyle/)

READ:UNKNOWN

TEXT:

Current Version:

Mail 2 Reconstruction--Due to a technical anomaly (user identifications hand keyed into the E-mail system as all capitals), some White House and OPD e-mail was not captured in ARMS. Reconstruction has begun through periodic backup tapes. The estimated cost for this project is \$602,000.

More Nearly Accurate Version:

Mail 2 Reconstruction--Due to a technical anomaly (user identifications hand keyed into the E-mail system as all capitals), some White House and OPD e-mail was not captured in ARMS. The data not captured may still exist on server backup tapes taken periodically during the period when ARMS capture was not working properly. One estimate received for the development of a system to reconstruct uncaptured e-mail is about \$600,000. The cost estimate for the actual record recovery is expected at completion of the development of the reconstruction system.

[Current Status: Awaiting funding and management decision to proceed.]

Christa Moyle
02/24/99 10:32:04 AM
Record Type: Record

E 3877

To: Karl H. Heissner/
cc:
Subject: Re: Draft Hearing Preparation Paper

Can you answer what Tony is talking about?
----- Forwarded by Christa Moyle/ on 02/24/99 10:33 AM -----



DANIEL A.
BARRY
02/24/99 07:18:19 AM

Record Type: Record

To: Adam F. Greenstone [REDACTED]
cc: See the distribution list at the bottom of this message
Subject: Re: Draft Hearing Preparation Paper

Adam;

I made 2 corrections to 2 of your bullet items. The corrections are in blue below.
Also, No work has been done on the Mail 2 reconstruction as is stated in your bullet in red below. I would suggest you talk with Karl Heisner for a status.

Mail 2 Reconstruction--Due to a technical anomaly (user identifications hand keyed into the E-mail system as all capitals), some White House and DPD e-mail was not captured in ARMS. Reconstruction has begun through periodic backup tapes. The estimated cost for this project is \$602,000.

All-in-One E-Mail Reconstruction--Pursuant to the Armstrong litigation. 75% complete. Last 25% to be completed by the end of fiscal 1999. Cost so far is \$4.5 million. Estimated further cost for completion is \$650,000.

Message Copied

To:
James B. Wright/[REDACTED]
Timothy L. Fuller/[REDACTED]
Terrence J. Misich/[REDACTED]
sigman_c @ al @ cd @ lngtwy
Dorothy E. Cleal/[REDACTED]
Christa Moyle/[REDACTED]

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Christa Moyle (CN=Christa Moyle/[REDACTED])

CREATION DATE/TIME:24-FEB-1999 10:33:58.00

SUBJECT:: Re: Draft Hearing Preparation Paper

TO:Karl H. Heissner (CN=Karl H. Heissner/[REDACTED])
 READ:UNKNOWN

TEXT:

Can you answer what Tony is talking about?

----- Forwarded by Christa Moyle [REDACTED] on 02/24/99 10:33 AM -----

DANIEL A.
 BARRY
 02/24/99 07:18:19 AM

Record Type: Record

To: Adam F. Greenstone [REDACTED]
 cc: See the distribution list at the bottom of this message
 Subject: Re: Draft Hearing Preparation Paper

Adam;

I made 2 corrections to 2 of your bullet items. The corrections are in blue below.
 Also, No work has been done on the Mail 2 reconstruction as is stated in your bullet in red below. I would suggest you talk with Karl Heisner for a status.

Mail 2 Reconstruction--Due to a technical anomaly (user identifications hand keyed into the E-mail system as all capitals), some White House and OPD e-mail was not captured in ARMS. Reconstruction has begun through periodic backup tapes. The estimated cost for this project is \$602,000.

All-in-One E-Mail Reconstruction--Pursuant to the Armstrong litigation. 75% complete. Last 25% to be completed by the end of fiscal 1999. Cost so far is \$4.5 million. Estimated further cost for completion is \$650,000.

Message Copied

To:

James B. Wright [REDACTED]
 Timothy L. Fuller [REDACTED]
 Terrence J. Misich [REDACTED]
 sigman [REDACTED]
 Dorothy E. Cleal [REDACTED]
 Christa Moyle [REDACTED]

E 3945

Mr. BURTON. The bigger, more important question is why didn't the White House just come clean and tell Congress about the problem as well as the independent counsels? Now, Karl Heissner was not the decisionmaker in all this. I don't know him. We haven't been able to interview him. I'm just going to assume that he's a great human being and a dedicated public servant, but there are some serious issues here that need to be addressed. There was a lot going on, and we need to understand it.

Point No. 4: The White House counsel's office got a second briefing on the e-mail problem. During the last hearings we held, we learned that Mr. Ruff got a briefing on the e-mail problem from Mark Lindsay on June 19, 1998. We talked to Mr. Ruff. We've had testimony from Beth Nolan. We've been told there was a disconnect. Mr. Ruff and the counsel's office did not understand how serious the problem was. Get that. Subpoenas have been issued by our committee, by other committees and the independent counsels, but they didn't understand how serious all these missing e-mails were.

Last week we interviewed Michael Lyle. He's now the director of the Office of Administration. He moved up to Mark Lindsay's job when Mark Lindsay got a promotion. Mr. Lyle told us that there was a second briefing for the counsel's office, but that was news to us. He stated that in the spring of 1999, he was informed of the second e-mail problem, the letter D problem. He told Mark Lindsay about it. Mark Lindsay told him that he had briefed the counsel's office. Who did he talk to at the counsel's office? We don't know yet. Mr. Lindsay will be back tomorrow, and we'll ask him, but the point is there was a second briefing in less than a year, and still no action was taken to correct the problem, to inform Congress or the Justice Department or the independent counsels.

So there's a second briefing, you know, and they still didn't tell anybody about it. Was there a second disconnect? Did the counsel's office understand the second time around and just decide not to do anything about it? Those are questions I hope we can resolve tomorrow.

Let me end up by concluding in my opening statement that for almost 2 years the White House knew that the subpoenas weren't being complied with, and nothing was done about it until it appeared on the front page of the Washington Times and my committee started interviewing people. Somebody should be accountable for that.

You know, Richard Nixon was run out of office for 18½ minutes of tapes. We had a President run out of office because of the missing tapes, 18½ minutes. Here we have hundreds of thousands of e-mails, and the White House has stonewalled the Justice Department, the Congress, several independent counsels, all of whom were interested in what might be in those e-mails, and not only did the White House know about them, but they covered it up over the past 2 years. And there was not just one meeting about this, there were two meetings at different times.

The American people ought to be outraged. If Richard Nixon was run out of office for 18 minutes of tapes, what does that mean about the media and the reporting of all this when we're talking about hundreds of thousands of e-mails? And the White House is

now saying, well, it may take 6 or 8 months for them to get a contractor to get all this whipped into shape. We believe in a matter of weeks we can hire a contractor to pick out specific words and names and get these e-mails, the ones that are relevant to various investigations, to the various independent counsels, the Justice Department and our committee in a short period of time.

But the White House has said they've hired contractors and it's going to take 6 to 8 months. Do you know when the election is? It's in November. So they are going to try to once again run out the clock.

Mr. Heissner and Mr. Lyle, I want to thank you for being here. I'm sure you'd rather be someplace else; however, I hope you will be direct and straightforward and try to help us understand what's going on.

We'll also hear from Assistant Attorney General Robert Raben on our second panel. We have a number of questions for Mr. Raben about the Justice Department's role in these matters and subpoenas we've issued for Justice Department documents. I hope we can make some headway with Mr. Raben today.

I now yield to Mr. Waxman.

[The prepared statement of Hon. Dan Burton follows:]

**Opening Statement
Chairman Dan Burton
Committee on Government Reform
“Missing White House E-Mails: Mismanagement of Subpoenaed Records”
May 3, 2000**

Good morning.

This week, we will hold our third and fourth days of hearings into the White House's failure to deal with the e-mail problem, and their failure to comply with subpoenas. Today, we will focus on what was happening in the Office of Administration. Tomorrow, we will focus on what was happening at the White House Counsel's Office.

We've just had a two-week recess, but we're pushing ahead with this investigation. We're conducting interviews. We're reviewing documents. We're learning more as we go along.

We've been working on this investigation for a little over two months now. And it's very interesting to watch how the White House behaves in these situations. The White House is behaving exactly the way they do when they know they've done something wrong, and they've been caught with their hand in the cookie jar. They're dusting off all of their old tricks that they used in 1997 and 1998 during the illegal fundraising investigation:

- They turn over embarrassing documents late on Friday evening.
- They selectively leak problem documents over the weekend. It happened just last weekend.
- They claim bogus privileges over documents as a stalling tactic.
- People refuse to be interviewed prior to hearings.

You may not admire their tactics, but you have to admire their consistency.

When we held our first hearing with the Northrop Grumman contractors, I tried to put this e-mail problem into context. I went through a whole litany of the White House stalling tactics we had endured:

- Refusing to turn over documents until we got fed up and scheduled a contempt vote.
- The failure to turn over the White House videotapes.
- Withholding documents in the White House database investigation.
- Claiming false privileges to delay document production.

Instead of going through the whole laundry list again today, I think what I'll do is let them speak for themselves -- in their own words. A new book has come out, "Truth at Any Cost." It was written by a Washington Post reporter and a Time Magazine reporter. They found out a lot about the way the White House operated. Harold Ickes, who was the Deputy Chief of Staff, is quoted as calling the White House approach a "*foot dragging, screw you attitude*." He apparently said it with a great deal of admiration. I cleaned up that quote a little bit because it was too vulgar for this hearing room, but I think you get the picture.

So they drag their feet, they try to run out the clock, and then they blame the investigators for being partisan and taking so long. There was another book about the White House written by Elizabeth Drew. She quoted another White House lawyer, Don Goldberg. Here's what he had to say:

"It's an obvious strategy. On the Hill, if you don't have much to go on, you decry the partisanship, and the print reporters will write in the first or second paragraph, and the TV stories will begin, 'In a hearing mired in partisanship,' and then they get to the subject of the hearing and you've won. That's Damage Control 101."

He goes on to say:

"In a hearing, if you're playing defense, the goal is not to get your message out, the goal is to keep the other side from getting their message out. Then you've won."

Well, that may be "Damage Control 101," but it's not "Public Service 101."

What I don't understand is, why is it that this White House spends so much time figuring out how to spin things when the facts aren't on their side, and so little time trying to do things right in the first place?

I'm going to spend more time talking about this tomorrow. We have four White House lawyers on the schedule to testify -- Former White House Counsel Charles Ruff -- Former Deputy Counsel Cheryl Mills -- Mark Lindsay from the Office of Administration -- and Associate Counsel Dimitri Nionakis. But today we're going to focus on the Office of Administration.

We've reviewed a lot of documents at this point. We've interviewed some people. We haven't been able to interview others. We're starting to piece together the threads of what was happening. Hopefully, by the end of this hearing, we'll have a clearer picture.

Here are a few of the key points that are starting to emerge:

Point #1: The Northrop Grumman employees were threatened.

This is becoming more and more clear. On March 23, five Northrop Grumman employees testified here. They said they were called to a meeting right after they discovered that thousands -- maybe hundreds of thousands -- of e-mails hadn't been searched for subpoena compliance. They said they were ordered to keep it a secret. They said they were ordered not even to tell their supervisors or spouses. Some said they were threatened. One said he was told that there was a jail cell with his name on it.

The White House officials, Laura Callahan and Mark Lindsay, denied all of that.

On Monday, we interviewed a higher-level Northrop-Grumman supervisor -- Joseph Lucente. He was three rungs up the ladder from the Northrop Grumman employees at the White House. In September 1998, he met with three of the contractors who were at the meeting with Ms. Callahan and Mr. Lindsay. They had a long discussion about what happened -- this was about three months later.

So we asked Mr. Lucente:

- Did your employees feel threatened? He said yes.
- Were they prevented from talking to their superiors? He said yes.
- Were they concerned that documents weren't being searched to comply with subpoenas? He said yes.

So once again, we have contemporaneous testimony that what they said was true.

Point #2: We're getting more and more evidence that people wanted to get this problem fixed, and they couldn't get anyone to approve fixing it.

Northrop Grumman was trying to get it fixed. Tony Barry was trying to get it fixed. Other people wanted to fix it. But they couldn't get anyone higher up the food chain to approve it.

We have a whole series of e-mails from Tony Barry. He was frustrated. I'm going to read from a couple of his messages:

- **August 13, 1998:** *"As far as I can tell, there is no movement under way to fix the problem and recover the lost records from the backup tapes. ... I am not at all clear what my role should be. I feel that the records must be re-created and any searches need to be re-performed if the requestors feel it is necessary... This seems like a daunting proposition but I do not see any other alternative."*

- **September 10, 1998:** *"I am growing increasingly concerned about the seeming lack of movement on the Mail2 problem. Do you know where the hold up is. We have known about this problem for 4 months now and not a single record has been passed to ARMS ... even worse, the root problem has not been fixed."*
- **September 25, 1998:** *"It has been about 2 weeks since I sent my last 'concerned memo' regarding the mail2 problem and I am still not seeing any movement on fixing the problem. I need to know, for my own sanity, exactly what my role in this project should be."*

It seems clear that Mr. Barry knew that the Presidential Records Act wasn't being followed, and he was trying to get someone to pay attention to it. He was also the guy who was responsible for conducting e-mail searches when subpoenas came in -- and he knew they weren't being done correctly -- and he was probably worried about that.

Point #3: There was a hearing coming up before the Appropriations Committee in March 1999, and they were not sure how to handle it.

Mark Lindsay, the Director of the Office of Administration, testified at that hearing in 1999. The White House e-mail problem never came up. But the documents seem to indicate that there was a long debate over whether to ask Congress for money to fix the problem. If they asked for the money, and got it, then they could get the problem fixed. But it was a double-edged sword. If they revealed the problem, then Congress would know that document requests and subpoenas had not been complied with.

We have a copy of an e-mail from Karl Heissner, who is here today. **Please put Exhibit 81 up on the screen.** Here's what it says:

"While I'll be glad to write up something related to the 'Information Requests' channeled to us via White House Counsel in response to various requests from Congress and litigants against the Government, we may not want to call undue attention to the issue by bringing the issue to the attention of Congress because..."

And then the sentence ends. Then the next paragraph states:

"Last year's hours consumed by SID staff amounts to only a little over 500. This year's hours consumed so far amounts to only 65, and the level of requests appears to be declining."

And then he concludes by saying:

“(Let sleeping dogs lie...)”

Well, I don't like the sound of that. When I hear that kind of talk from a political appointee, it's disappointing, but I've come to expect it. When I hear it from a career employee, something's wrong. So we'd like to know what Mr. Heissner was talking about here.

And then there was a lot of back and forth on the talking points Mark Lindsay would use if this came up at the hearing. It seems that some versions were more candid than others. We have another e-mail from Mr. Heissner. He's offering some edits to the talking points. **I'd like to have exhibit 92 on the screen.**

At first he basically states, here's the *“Current Version”* of the talking points, and then he lists it. Then he states, here's the *“More Nearly Accurate Version.”* Well, who's putting together inaccurate talking points? And if this is the *“More nearly accurate version,”* where's the really accurate version?

The bigger, more important question is, why didn't the White House just come clean and tell Congress about the problem.

Now Karl Heissner was not the decision maker in all of this. I don't know him. We haven't been able to interview him. I'm just going to assume that he's a great human being and a dedicated public servant. But there are some serious issues here that need to be addressed. There was a lot going on, and we need to understand it.

Point #4: The White House Counsel's Office got a second briefing on the e-mail problem.

During the last hearings we held, we learned that Mr. Ruff got a briefing on the e-mail problem from Mark Lindsay on June 19, 1998. We've talked to Mr. Ruff. We've had testimony from Beth Nolan. We've been told that there was a “disconnect.” Mr. Ruff and the Counsel's office didn't understand how serious the problem was.

Last week, we interviewed Mark Lyle. He's now the Director of the Office of Administration. He moved up into Mark Lindsay's job when Mark Lindsay got a promotion. Mr. Lyle told us that there was a second briefing for the Counsel's office. That was news to us.

He stated that in the spring of 1999, he was informed of the second e-mail problem -- the “Letter D” problem. He told Mark Lindsay about it. Mark Lindsay told him that he had briefed the Counsel's office.

Who did he talk to? We don't know yet. Mr. Lindsay will be back tomorrow, and we'll ask him. But the point is, there was a second briefing in less than a year, and still no action was taken to correct the problem, to inform the Congress, or to inform the Justice Department or the Independent Counsel.

Was there a second disconnect?

Did the Counsel's office understand it the second time around and just decide not to do anything about it? Those are questions I hope we can resolve tomorrow.

That concludes my opening statement. I just want to say this. For almost two years, the White House knew that subpoenas weren't being complied with, and nothing was done about it until it appeared on the front page of the Washington Times, and until my Committee started interviewing people. Somebody should be held accountable for that.

In the Watergate investigation in 1974, there were eighteen minutes of missing tapes. Richard Nixon was run out of office over 18 minutes of missing tapes. Here we have hundreds of thousands of missing e-mails. Not 18. Hundreds of thousands. That's something that I think the American people ought to be outraged about, and it's something I think we should get some straight answers about.

Mr. Heissner, Mr. Lyle, thank you for being here today. I'm sure that you'd rather be someplace else. However, I hope that you'll be direct and straightforward and try to help us understand what was going on.

We will also hear from Assistant Attorney General Robert Raben on our second panel. We have a number of questions for Mr. Raben about the Justice Department's role in this matter, and subpoenas we've issued for Justice Department documents. I hope we can make some headway with Mr. Raben today.

I now yield to Mr. Waxman for his opening statement.

Mr. WAXMAN. Mr. Chairman, in the spirit of trying to expedite these hearings, I won't make an opening statement, certainly nowhere near the opening statement the length of that which you just delivered, but I do want to point out before we begin that your opening statement was filled with inaccuracies, omissions, that I think distort the facts of the issue before us today. And I was taken aback by your close because not only are you rewriting the events with regard to the White House e-mails, you have rewritten history with regard to why Richard Nixon was impeached by the House and forced to resign. It was not because of 18 minutes of missing tape.

I know that there are many people who are disappointed you can't run this President out of the White House, because the Constitution requires you have a reason to do it more than the fact that you dislike him enormously.

I look forward to the testimony of our witnesses today. I want us to get the facts, and then we'll see what conclusions we can draw from the facts. What we've heard were a lot of conclusions, and I know you're trying to see if the facts will fit your conclusions, but let's evaluate it on the testimony we're to receive. I look forward to hearing from our witnesses. I yield back my time.

Mr. BURTON. We'll now welcome our first panel to the witness table, Carl Heissner and Michael Lyle. Would you please stand and raise your right hands, please.

[Witnesses sworn.]

Mr. BURTON. Do either one of you have an opening statement? Mr. Heissner, you want to start?

STATEMENT OF KARL HEISSNER, BRANCH CHIEF FOR SYSTEMS INTEGRATION AND DEVELOPMENT, EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF ADMINISTRATION

Mr. HEISSNER. I have an opening statement which I delivered to the committee yesterday which is included in your record. I don't think it's necessary for me to read it unless you wish me to.

Mr. BURTON. You want to let your prepared statement speak for itself?

Mr. HEISSNER. Correct, sir.

[The prepared statement of Mr. Heissner follows:]



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF ADMINISTRATION
WASHINGTON, D.C. 20503

May 3, 2000

The Honorable Dan Burton,
Chairman, Committee on Government Reform
The Honorable Henry A. Waxman,
Ranking Minority Member
And Committee Members
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Subject: Opening Statement of Karl Heissner

My name is Karl H. Heissner. I am currently a Computer Specialist and serving in the Systems Integration and Development Branch (SID) of the Information Systems & Technology Division (IS&T), of the Office of Administration (OA) in the Executive Office of the President (EOP). I have been subpoenaed to testify before this Committee regarding my knowledge of the problem involving some non-records managed e-mail to the White House.

My background as a Federal Employee of 25 years

I began my Federal Government career as a computer specialist in September of 1975 when I was hired by the Office of Management and Budget (OMB) to support their Budget Preparation System (BPS). I am proud to have served the Federal Government during the Ford, Carter, Reagan, Bush, and Clinton Administrations. The Office of Administration (OA) was formed during the Carter Administration and OMB's Information Systems staff was transferred to a similar office within OA to continue to perform its supportive functions. I was responsible for a small team consisting of government and contractor staff. Our mission was to provide full technical software support of BPS during the FY77 through FY94 budget seasons. This was a period of technical challenges, opportunities, and great personal satisfaction.

OMB decided to turn to contractors for the support of its budget systems, and IS&T's OMB systems support staff was reassigned to other tasks. I was given the responsibility to serve as IS&T's Database Administrator (DBA), again a technical task whose objective was the orderly and efficient deployment of relational databases at the EOP Data Center, including OMB's MAX database designed to replace the aging BPS, and the White House Office Database (WhoDB) under development at that time.

In 1996 I was asked by the then Associate Director for IS&T, Charles Benjamin, to fill the vacant position of Branch Chief of the Systems Integration and Development (SID) Branch. While my inclinations and interests were more in the area of performing detailed technical tasks than in managing a staff of computer specialists, I agreed to undertake this new assignment. I served in that capacity until last year when I returned to the more technical areas of DB2

Database Administration and providing technical direction to contractors performing DBA support tasks.

Recent Years


The work environment in IS&T has become more difficult and stressful in recent years, a trend which began with the 25% White House staff cut in 1992 or 1993. IS&T lost about 30% of its staff. The 1990's saw more than 11 changes in the position of the Associate Director for IS&T including one term in which I was asked to serve as the acting director. These constant changes in leadership styles and management approaches have had a deleterious effect upon the organization and its staff. During that time period the organization needed to respond to fast paced changes in information technology. We changed from a mainframe based, centralized architecture to a server based, less centralized web-centric architecture. The lack of continuity of leadership, shortage of staff and funding, as well as ever increasing demands for new systems and support created inordinate pressures on the organization and its people. Some responded by working harder, longer hours without seeing the pressures diminish. Some good and very competent individuals simply left.

Additional Demands on IS&T Staff

Beginning in FY 1996 and continuing through 1998 IS&T and particularly SID staff members found their work load increased by becoming involved in work responding to a GAO audit of the White House Office Database (WhoDB) and numerous subpoenas and information requests from Congress and others. This work, calling for careful and detailed analysis of requirements and the careful development of software to perform retrieval of data from the WhoDB database, disrupted normal support operations during that period. The activity peaked in FY97 when by a conservative estimate over 3,000 hours were spent by IS&T staff responding to information requests. My own share amounted to over 1,000 hours during that year. A significant added demand on the resources of our office was the Y2K problem which involved almost all IS&T staff members.

Conclusion

I hope that I can provide the Committee the answers to whatever questions it may have.


Karl H. Heissner

Mr. BURTON. Mr. Lyle.

**STATEMENT OF MICHAEL LYLE, DIRECTOR, EXECUTIVE
OFFICE OF THE PRESIDENT, OFFICE OF ADMINISTRATION**

Mr. LYLE. Thank you, Mr. Chairman. I do not have a written opening statement that I submitted, but I do want to emphasize to you that I have cooperated with your committee, as has my staff. I participated in an almost 4-hour interview with five of our attorneys before I came here to this committee to testify here again, and I'm prepared to answer any questions that you may have in an effort to cooperate in this matter.

I know that my staff members—at least 10, maybe 12 members of my staff have also been requested for interviews, and I know they are working with your attorneys to do that. So I want to emphasize to you that we are working and endeavoring to cooperate with you as best we can.

Mr. BURTON. Does that conclude your opening statement?

Mr. LYLE. Yes, sir.

Mr. BURTON. Thank you.

Mr. Heissner, I appreciate that you aren't a political appointee. This isn't easy, and I want to thank you for being here. We were hoping you would be available for an interview before this hearing, but evidently he was not available for a interview; is that correct?

Mr. BARR. Mr. Chairman, could I ask you to identify the third party at the table, who he is, if he's representing somebody?

Mr. BURTON. Are you the legal counsel for Mr. Heissner?

Mr. ZWERLING. My name is John Zwerling, and I'm legal counsel for Mr. Heissner.

Mr. BURTON. Mr. Heissner evidently was not available for questioning by the counsel for the committee.

Let's get right to the questions. Sometime in November 1998, you were given the responsibilities of managing phase 2 of the Mail2 project; is that correct?

Mr. HEISSNER. That's correct, sir. A number of us that were involved or had responsibilities related to the particular issue met, and it was agreed that the responsibility for the recovery, for developing the software to perform the recovery of un-records-managed records would be the responsibility of the Systems Integration and Development Branch, which I was heading at the time.

Mr. BURTON. That was in November 1998?

Mr. HEISSNER. That's correct, sir.

Mr. BURTON. What was phase 2 of the Mail2 project?

Mr. HEISSNER. When you take a look at the record, there are a number of phases, 1s, 2s, and 3s. I believe in that instance the phase 2 was understood to be the development of an application of software, of a system that would take the backup tapes that had been taken over previous months and years, would take those backup tapes and bring them back onto a computer and then extract from the data that was restored the e-mail messages which had not been records managed.

Mr. BURTON. Was it not also to make sure that future incoming e-mails were archived?

Mr. HEISSNER. That particular project would not address ensuring that future records would be archived. That was a separate process.

Mr. BURTON. The White House took steps to meet its legal obligations to produce documents only after this committee began to investigate. Why did Congress have to hold hearings to get the White House to give us that information, to do the right thing?

Mr. HEISSNER. I have no knowledge of the rationale behind that, sir.

Mr. BURTON. You were the chief technician. Did you ever feel frustrated that the White House didn't do anything in 1998 or 1999 to comply with our subpoenas and give us the information?

Mr. HEISSNER. I have—it's difficult for me to imagine that we didn't comply with subpoenas. At the time the recovery of the records was a responsibility of mine, and at the time my concerns were that we develop an application that would recover the data. The concern subsequently became to make sure that the backup tapes which had been taken were not being recycled or reused so that the data eventually could be recovered.

Mr. BURTON. Eventually?

Mr. HEISSNER. Yes, sir.

Mr. BURTON. Did you feel that a lot of effort was being made to solve the problem in 1999?

Mr. HEISSNER. By 1999, the problem of those 400, 500 accounts which had not been encoded properly, and therefore the incoming e-mail that was coming from outside the complex had not been records-managed, had been corrected. At the time the contractor staff, the Northrup Grumman staff, was involved in developing some software that would make sure that the system functioned properly, and there would be no more non-records-managed e-mails.

Mr. BURTON. Can you tell me why it took congressional hearings to force the White House to make an effort to solve the e-mail problem?

Mr. HEISSNER. No, sir, I can't.

Mr. BURTON. Put up exhibit 81 on the screen, please.

Before we get that, Mr. Lyle, can you tell me why it took congressional hearings to force the White House to make an effort to solve the e-mail problem?

Mr. LYLE. I don't believe it took congressional hearings to have the White House solve any e-mail problems, sir.

Mr. BURTON. Why wasn't Congress notified about the e-mail problem? Why didn't we get any of the information we subpoenaed? And why didn't the independent counsel, and why didn't the Justice Department?

Mr. LYLE. I'm not aware of the communications that occurred between the White House counsel's office and this committee relative to—

Mr. BURTON. You didn't know anything about the subpoenas we sent for all kinds of information involving a number of investigations?

Mr. LYLE. Sir, I joined the Executive Office of the President in November 1998, so I have no personal knowledge.

Mr. BURTON. Did you have any communication at all with the counsel's office?

Mr. LYLE. During what timeframe, sir?

Mr. BURTON. Since you were hired.

Mr. LYLE. Certainly I had communications with White House counsel, yes, sir.

Mr. BURTON. You knew there was an e-mail problem. Did they ever—you talked to them about the e-mail problem, didn't you?

Mr. LYLE. My most vivid recollection of learning about the e-Mail2 problem that you're referring to was in around April 1999 in connection, as you mentioned in your opening statement, with the letter D issue. That's in the context of that particular discussion.

Mr. BURTON. Did you talk to the counsel's office at all about the e-mail problem, anybody in the counsel's office?

Mr. LYLE. I have had communications.

Mr. BURTON. If you talked to people in the counsel's office, did they say anything about subpoenaed documents from any of the independent counsels or our committee or Justice?

Mr. LYLE. There was a briefing I participated in in January of this year, January 2000, where I discussed that issue, sir.

Mr. BURTON. When did you come to work for them?

Mr. LYLE. I joined in November 1998.

Mr. BURTON. When did you assume the position that you have?

Mr. LYLE. I assumed that position on January 30 of this year.

Mr. BURTON. But you were involved in the e-mail problem when?

Mr. LYLE. The e-Mail2 problem?

Mr. BURTON. Yes.

Mr. LYLE. I learned about it, as I said, in about April 1999 in connection with, as I recall, the letter D problem.

Mr. BURTON. That's a year ago. And you communicated with the counsel's office?

Mr. LYLE. No, sir.

Mr. BURTON. You did not communicate with counsel's office?

Mr. LYLE. I did not.

Mr. BURTON. They knew about the e-mail problem. Did they not talk to you about it at all?

Mr. LYLE. I conveyed—as you said in your opening statement, I conveyed the information concerning the letter D issue to my superior Mark Lindsay, who spoke to counsel's office.

Mr. BURTON. Put up exhibit 81 on the screen.

This document was produced to the committee by the White House after our first two hearings on the subject and 3 weeks past the due date of our subpoenas. As usual the White House sent it to us late on a Friday night. It appears to be an e-mail from you, Mr. Heissner, but the document lists no recipient. It's dated February 5, 1998, and there two lines labeled "Issue." One reads, "Mail2 Reconstruction." The other reads, "Information Requests." Who was the original recipient of this e-mail?

Mr. HEISSNER. Sir, I think exhibit 82 shows to whom this e-mail was sent. The copy that you're looking at in exhibit 81 was a result

of pressing the send key before I had entered the subject and recipient. That happened at 9:06 on February 5th. On exhibit 82 is the message that actually was sent to Mrs. Cleal at 9:08, and it has the recipient, and it has a subject line.

[Exhibit 82 follows:]

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Karl H. Heissner (CN=Karl H. Heissner/)

CREATION DATE/TIME: 5-FEB-1999 09:08:46.00

SUBJECT: Issue Papers for Appropriations Hearing

TO: Dorothy E. Cleal (CN=Dorothy E. Cleal/)

READ: UNKNOWN

TEXT:

----- Forwarded by Karl H. Heissner/ on 02/05/99
09:07 AM -----

Karl H. Heissner
02/05/99 09:06:23 AM
Record Type: Record

To:
cc:
Subject:

=====I
Note: -----

Issue: Mail2 Reconstruction (document attached)

Issue: Information Requests

While I'll be glad to write up something related to the "Information Requests" channeled to us via White House Counsel in response to various requests from Congress and litigants against the Government, we may not want to call undue attention to the issue by bringing the issue to the attention of Congress because

Last year's hours consumed by SID staff amounts to only a little over 500. This year's hours consumed so far amounts to only 65, and The level of requests appears to be declining.

(Let sleeping dogs lie...)

Karl
=====

Issue: Mail2 Reconstruction

E 3865

Background and Definition of Problem

In early 1998 Tony Barry, an IS&T Analyst, discovered that some e-mail messages he expected to find during a records search failed to show up. Further research revealed:

o Some time during the last 2 years the profiles of at least 420



Lotus Notes e-mail user databases existing on Server Mail2/EOP were set up incorrectly causing some or perhaps all incoming e-mail messages originating outside the EOP environment to not be "records managed." As best as can be determined the failure began in November/December of 1996.

"Records management," mandated by law, requires among other things that incoming and outgoing e-mail meeting certain criteria to be considered "Federal Records" be archived for future retrieval.

o The problem, that some e-mail messages were not being records managed properly, was discovered in February 1998, and Mr. Barry immediately notified the Lotus Notes Group (NG-Spriggs/Golas) as well as IS&T Management of the problem.

o In June 1998 the Notes Administrator (NG-Haas) determined that only certain e-mail messages received by the Notes Mail2 Server from sources outside the EOP were not being records managed, and identified the technical causes for the failure.

o Several months went by before the correction was made by Northrop Grumman (NG) staff on November 20, 1998. In the interim, the failure to records manage certain incoming e-mail messages continued.

o Lotus Notes Desktop system files appear to have been backed up periodically between 1996 and 1998, though a complete tape inventory does not currently appear to exist.

o ~~The process of forwarding "records"~~ subject to Federal Records Management rules involves the invocation of undocumented software modules written several years ago by a contractor in C++ and Notes Scripts.

o At the prompting of Tony Barry NG provided IS&T with a proposal for the design of a system designed to recover the missing records. The title of the 47-page Statement of Work, developed according to the EOP SDLC Guidelines, is "Management & Technical Support for Rapid Application Development of Mail2/EOP Records Management Documents Recovery," dated October 20, 1998. Following the EOP Systems Development Life Cycle Manual to the letter, the approximate cost for the system design is \$602,000.

***** ATTACHMENT 1 *****
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

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===== END ATTACHMENT 1 =====
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Mr. BURTON. Was that the original recipient; Ms. Cleal?

Mr. HEISSNER. That's correct. In the e-mail system, we have—it's possible—it's a flaw in the system. It's possible to send an e-mail which has no recipient.

Mr. BURTON. Why is the recipient not listed on that document?

Mr. HEISSNER. Because it was a mistake. I pressed the send key before I entered the recipient's name.

Mr. BURTON. It was a mistake?

Mr. HEISSNER. Yes, sir.

Mr. BURTON. Did you send a blind carbon copy of this e-mail to anyone?

Mr. HEISSNER. Not to my knowledge, sir, no.

Mr. BURTON. Not to your knowledge?

Mr. HEISSNER. I can't tell by looking at this, sir, but I'm sure I didn't send a blind copy to anyone.

Mr. BURTON. You're sure you didn't send a blind copy to anyone?

Mr. HEISSNER. I can't be totally sure without looking at the original.

Mr. BURTON. It's pretty important, because you may have sent one to the counsel's office or something. We just want to know. Did you send a copy to anybody besides her?

Mr. HEISSNER. To the best of my knowledge, no, sir.

Mr. BURTON. Do you know how many times we've heard "I can't recall" and "to the best of my knowledge" from witnesses from the White House? We ought to get a number of that. It must be in the hundreds.

Did anyone else get a copy of this e-mail?

Mr. HEISSNER. Would that be from me, sir, or from anybody else?

Mr. BURTON. From you, or if you know of anybody else who got a copy of e-mail?

Mr. HEISSNER. It could have been forwarded by the recipient, that's possible, and I would not know if that happened, sir.

Mr. BURTON. Did you discuss this e-mail with anyone else?

Mr. HEISSNER. At that time that it was sent, sir?

Mr. BURTON. Yes.

Mr. HEISSNER. Frankly, I don't recall.

Mr. BURTON. You don't recall?

Mr. HEISSNER. No.

Mr. BURTON. The first paragraph of the document reads, "While I'll be glad to write up something related to the 'Information Requests' channeled to us via White House Counsel in response to various requests from Congress and litigants against the Government, we may not want to call"—you say, "We may not want to call undue attention to the issue by bringing the issue to the attention of Congress because," and then it kind of drifts off. The sentence is incomplete.

Mr. HEISSNER. That particular paragraph, sir, is addressing the issue of information requests during 1997, 1998, 1999. We had received many requests for information where it related to the White House data base. In 1997, we expended on the order of 3,000 or more hours of staff time to retrieve information and make it available in response to subpoenas. During that year I had spent well over 1,000 hours, at least I recorded over 1,000 hours and probably more in responding to these requests, as you may recall. So what

I'm addressing in the issue information requests is the question was should we bring to the attention of Congress we're spending an enormous amount of time responding to subpoenas and other requests for information related to WhoDB, and my response was, well, we don't really need to bring this issue up again because—and the way this was—the original reads, and it doesn't show here, they are bullets, little bullets in front of each of those three sentences, which starts with last year's, this year's and the level. So the memorandum or the text here had the intention of saying let's not raise this. We don't need to have things stirred up and have more requests coming in——

Mr. BURTON. Sir, that isn't going to wash, because we had already sent subpoenas to the White House, to the counsel's office on a whole host of issues, and the law requires that you respond to subpoenas, and for you to say, "We may not want to call undue attention to the issue by bringing the issue to the attention of Congress because," and then it drifts off, we had already issued subpoenas. Why is that sentence not complete?

Mr. HEISSNER. Sir, the sentence is complete because it has a because clause and three bullets, which don't show here, a period, and then the infamous quote here, "Let sleeping dogs lie."

Mr. BURTON. Tell me, where are the bullet points? We don't see them on here.

Mr. HEISSNER. They don't show on this particular document.

Mr. BURTON. Why don't they show? If the sentence ends with "because," and there are no bullet points, and there's two vacant lines there, why aren't the bullet points in there?

Mr. HEISSNER. The retrieval mechanism of records-managed records does not retrieve all the graphics that are present in the original.

Mr. BURTON. There's no period at the end of the sentence. There's no other mark that would indicate that there's three bullet points.

Mr. HEISSNER. It doesn't show in the retrieved records. The original does show. There's a bullet. They are either lower case or in some cases——

Mr. BURTON. Why didn't we get that?

Mr. HEISSNER. It is part of the mechanism of retrieving.

Mr. BURTON. Why didn't we get that? You don't know.

Mr. HEISSNER. I don't know.

Mr. BURTON. Who asked you to write up something related to information requests?

Mr. HEISSNER. As I recall, I received a telephone call during that week to address these two issues, Mail2 reconstruction and information requests.

Mr. BURTON. From whom?

Mr. HEISSNER. Best I remember, it was the person who I was reporting at the time, Dotty Cleal, who is the Associate Director for Information Systems.

Mr. BURTON. Why did you want to avoid—I think you've answered this. Why did you want to avoid bringing the issue to the attention of Congress? Because it involved more work?

Mr. HEISSNER. My perception was these requests for information that we received—and we certainly executed faithfully—the re-

quests were detracting from our regular work, and if we had fewer of those, we could get the work done that we were there to do. It wasn't an attempt to say, don't provide the information, it was just let's—these requests have declined. We have not—we did not spend—we have not needed to spend more time to respond to them, and I think we're fine here. We don't need to ask for money to pay for this.

Mr. BURTON. Let's take a minute and go over what we know. People at the White House administration were concerned that this e-mail problem was got getting solved. Employees felt threatened and intimidated. They were told they couldn't even speak to their bosses, and one was threatened, he thought, with jail; two were, as a matter of fact. One was so scared she said she'd rather be insubordinate than go to jail. Another said that there was a jail cell with his name on it. Northrop Grumman wrote several memoranda saying they couldn't proceed without direction from the White House. The President's deputy chief of staff was told about the problem. The counsel to the President, Chuck Ruff, was told about the problem. Later Mr. Lindsay, who is now an assistant to the President, went back to the White House counsel's office and told them about another problem where documents were not being retrieved. And the White House's problem was not a secret, that people were threatened and felt scared to talk about it.

So I want to know the answer to the one really important question. Why not tell Congress about the problem, No. 1; and then what do you mean by let sleeping dogs lie?

Mr. HEISSNER. What I meant by that was that since we—since the number of inquiries, number of subpoenas related to information residing in the White House data base had diminished, we don't need to go to Congress to ask for funding to pay for the cost of performing these information requests.

Mr. BURTON. Excuse me. The White House data base wasn't the only thing that was under subpoena. There's a whole host of subpoenas that were out on a whole bunch of issues, the espionage issue, the campaign finance issue, Waco, a whole bunch of things. Did you know anything about those? It wasn't just WhoDB?

Mr. HEISSNER. I was aware of many of those.

Mr. BURTON. You were aware?

Mr. HEISSNER. I was aware of many of the requests because the requests would be sent to IS&T staff through e-mail, and we would respond to them, but the primary time consumer of requests had to do with the White House office data base.

Mr. BURTON. In any event, you said, let sleeping dogs lie. You knew about all these subpoenas. You knew this information was legally requested and should have been given to the Congress of the United States. And you sent a memo around saying, hey, let's let sleeping dogs lie, and the subpoenas were not complied with. And this is 2 years ago, and I don't know what we're going to hold you responsible for that, but the fact of the matter is you knew those subpoenas were in order. You knew that information should go forward, and you said, in a memo, let sleeping dogs lie.

I'm now going to yield to Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

Mr. Chairman, I think you asked a very relevant question. During the time that I served as a U.S. Attorney, if we had sent a subpoena to a witness or a custodian of records, and they replied back either directly or in this case indirectly, let sleeping dogs lie, that would be considered evidence of obstruction of justice. Does that concern you, Mr. Heissner?

Mr. HEISSNER. It certainly does. There was no intention or attempt to obstruct justice in any form.

Mr. BARR. I'm sure that neither you nor other people—or I would presume you didn't have a thought process and the words "I am going to obstruct justice" went through your mind. I would certainly hope not. However, as the chairman has indicated, you were aware as you were of these probes, you were aware of a problem, you were aware that this problem entailed information that was being sought by various entities in this case, an independent counsel, more than two, or at least two committees of the Congress, and your directive is to let sleeping dogs lie, which in common parlance means disregard this, ignore it, don't worry about it, that can be evidence of obstruction of justice.

Mr. HEISSNER. The intention of this sentence was to not request—not to raise the issue of information requests and the effect it had on the staff of IS&T as an issue of asking for additional funding. The effect of the request having to do with the White House office with the WhoDB data base had been significant upon our staff, and that was uppermost in my mind. As other requests would arrive, all of us, including myself, would look at those requests, would consider if the information requested was in our records. If it was, we would provide that information through channels. That was the normal process, and in most cases those requests involved information about individuals, which, in the environment in which we found ourselves and the kinds of things we did, we would not have any information about individuals.

Mr. BARR. Your service in the government spans several different administrations, including the administration of George Bush and his counsel, Mr. C. Boyden Gray. It seems like not just a decade ago, but ages ago that we had an administration whose thought process placed uppermost in their minds scrupulous adherence to the law and to err on the side always of providing more information rather than less, more information rather than what might be strictly technically required by looking at the four corners of a subpoena or some other documentation.

Can you pinpoint when we moved from that notion of public service in compliance with the public interest to something else being foremost in the minds of those to whom subpoenas are directed or who have custody over government records subject to subpoena?

Mr. HEISSNER. No, sir, I have no idea when that change happened. It is not in an area that I deal with.

Mr. BARR. It is because you told us what was uppermost in your mind. What I'm saying is there used to be a day, and hopefully that day will come again, when a public official at the White House always keeps foremost in their mind not the cost of something as an excuse for not complying or not furnishing information, but what can I do to make sure that the public interest is respected to the degree so that we are going to go the extra mile not to cover

up, not to not furnish information, but to furnish information. I don't know when that change took place, but it has taken place. It is relevant for purposes of your appearance here today because you've used those words, what was uppermost in your mind or foremost in your mind, and to see something written, to let sleeping dogs lie, is very, very disturbing both from a public policy standpoint as well as from the standpoint—and I don't know what Robert Ray is looking at—but from the standpoint of possible obstruction of justice.

If I were you, and I don't know whether your counsel has any concern about this, but it raises very troubling questions in our mind about obstruction of justice, and I suspect that's why the independent counsel may be looking at this as well. I think the chairman, despite the constant efforts to downplay and denigrate the work of this committee by the folks on the other side, has asked a very legitimate question, and simply saying, well, something related to the cost—we heard this from Mr. Lindsay, he tried to say this was an issue of cost or whatnot rather than scrupulous effort to comply I think is a very legitimate question and one that ought to concern you.

Mr. HEISSNER. It certainly is, sir, but as I'm looking at this memorandum, maybe I need to explain that there are two issues that are being addressed. The issue, if you take a look in the paragraph which is, "Note:" "Issue: Mail2 Reconstruction (document attached)," and then below the dotted line it will say, "Issue: Mail2 Reconstruction," and it provides a background and definition of the problem for Mrs. Cleal.

The paragraphs which you are questioning are related to a request for information from Mrs. Cleal about the effects that various information requests are having on the IS&T staff and whether it should be brought up as an issue that might perhaps warrant additional funding for the organization, and my response was, well, the level of effort required to accommodate this request and the requests are declining, and at this point we don't need to ask for additional funding, so let's not even mention that we need funding for this because we don't need it right now, not for the purpose of answering information requests.

So there are two topics on this. Maybe that's the confusion, sir.

Mr. BARR. It would be nice if it were just a matter of confusion. We'll have to see. I think it illustrates and may be evidence of a mindset that disturbs the chairman very greatly and legitimately, which we're going to inquire further, and as I say, I suspect the independent counsel is as well.

Mr. Lyle, if I could go back to ask some fairly specific background questions. When was it that you first learned about the Mail2 problem?

Mr. LYLE. My most vivid recollection is in April 1999, thereabouts, in connection with the letter D problem, the second anomaly that we've been discussing.

Mr. BARR. This was approximately 6 months after you began your work in the Office of Administration?

Mr. LYLE. Yes, sir.

Mr. BARR. Where were you just prior to your work in the Office of Administration?

Mr. LYLE. I was in private practice in Chicago.

Mr. BARR. What research have you done to satisfy yourself, as I'm sure as a public servant you would, when this issue first came to the attention of the Office of Administration?

Mr. LYLE. Which issue, sir?

Mr. BARR. The issue of the Mail2 problem.

Mr. LYLE. The discussions that I had in connection with the letter D matter were with Mr. Lindsay and other members of my staff, and in the course of those discussions, as I said, I learned about the e-Mail2 is my most vivid recollection of that. And he had explained that in dealing with the Mail2 issue, that he had communicated that issue to—I'm sorry, the e-Mail2—did I say the e-Mail2—the e-Mail2 problem, he communicated that to White House counsel's office, and that he had handled that matter, and I was satisfied that Mr. Lindsay, who was my predecessor in my position, who was my superior, and who I have known for a long time, had taken steps to convey the information for the White House counsel to handle.

Mr. BARR. When did he indicate to you that had taken place?

Mr. LYLE. In that April 1999 meeting.

Mr. BARR. When did he communicate to you that he first became aware of the Mail2 problem?

Mr. LYLE. As I recall it, it was in June 1998 timeframe that he became aware of it, as I recall what he said.

Mr. BARR. And you are aware, at least as you sit here today, that the Office of Administration became aware of the problem in very early 1998 initially?

Mr. LYLE. I know that there were some reports about the problem. I don't know—January 1998, I don't know exactly when that was.

Mr. BARR. You're aware of the fact certainly through following these proceedings, as I'm sure you have, and in preparation therefore that January 1998 was the time in which there were actual communications?

Mr. LYLE. All I can tell you from my personal knowledge, sir, is that in the meeting that I had in April 1999 when I was learning more about the e-Mail2 issue, that I was told that—my understanding is that Mr. Lindsay was aware in the June 1998 timeframe about what happened in January 1998. I know others have discussed that, but as I sit here, I cannot tell you what that was.

Mr. BARR. When you discussed with Mr. Lindsay the communication of this information with the White House counsel, what manner was that communicated to White House counsel, and to whom were the records themselves delivered?

Mr. LYLE. In my meeting with Mr. Lindsay, he conveyed to me that he had met with White House counsel. At that time it would have been Mr. Ruff. As far as documentation, I believe that there was some memo that he had submitted to his superior, Mr. Lindsay had submitted to his superior, concerning the e-Mail2 issue.

Mr. BARR. How about the group of missing and reconstructed e-mails delivered to the White House counsel's office? When did Mr. Lindsay indicate that took place, and to whom were those delivered?

Mr. LYLE. I don't believe we discussed that in the meeting.

Mr. BARR. Did you discuss that at a later date?

Mr. LYLE. I have.

Mr. BARR. Would that not have been relevant?

Mr. LYLE. Again, I was learning more about it from a background point of view because we were addressing the letter D issue in that timeframe. I don't recall that having been raised at all, so I can't say any details about what happened. I'm not sure which documents actually, sir, you're referring to.

Mr. BARR. After the problem was initially discovered by Northrop Grumman employees, and this was the subject of to some extent the discussion here in the March 23 hearing, there was a very large group of documents that were pulled up, e-mails, after a search, initial search, was conducted of certain names in order to verify presumably the extent of the problem. Those were delivered to the White House and have mysteriously disappeared. I'm wondering if you ever had any discussion with Mr. Lindsay about those documents, those e-mails.

Mr. LYLE. No, sir, I did not. I am aware since, based on what you're talking about, that Mr. Lindsay did, as I understand it, deliver documents to the White House counsel's office, and I think you talked to him about it in your hearing with him that you're referring to in March of this year.

Mr. BURTON. My time has expired, Mr. Barr.

Mr. Waxman.

Mr. BARR. Thank you, Mr. Chairman.

Mr. WAXMAN. Mr. Heissner, Mr. Lyle, I appreciate your being here to answer questions.

Mr. Heissner, you indicated in your written statement that you're not a political appointee, are you?

Mr. HEISSNER. That's correct, sir.

Mr. WAXMAN. Tell us what you've been doing and how long you've been there.

Mr. HEISSNER. I've been working for the Federal Government for almost 25 years. I started with OMB, worked during the Ford administration, Carter administration, and subsequently right on through the Clinton administration. The majority of my time was in support of OMB's budget preparation system. When OMB went to go to contractors for support, then I served as the data base administrator for the Office of Administration data center, EOP data center. These have all been technical positions, which is where my interests and my expertise lie.

Mr. WAXMAN. I'm just shocked at the questioning you've had so far from the chairman of the committee and Mr. Barr because I think they've impugned your integrity. I don't think they have any basis for it, any justification for it, and it seems to me their complaint is you're not giving them the answers they would like you to give because they want to go after this administration. They want to paint a certain picture, and you're not giving them testimony to fit. Now, that's no reason to act as if you are lying to this committee. Are you lying to this committee?

Mr. HEISSNER. No, sir. Absolutely not.

Mr. WAXMAN. You know you're under oath.

Mr. HEISSNER. Yes, sir.

Mr. WAXMAN. Let's try to sort through what the real facts are on this issue. It's sort of Orwellian that the chairman has this exhibit up of your e-mail, and everything is highlighted except one line, and that is the issue. The issue is information requests, because that e-mail didn't have to do with missing e-mails from the Mail2 system. It had to do with information requests from the Congress; is that correct?

Mr. HEISSNER. That's correct, sir.

Mr. WAXMAN. That had to do with preparing Mr. Lindsay, who you work for, to go before the House Appropriations Committee or the Senate Appropriations Committee to talk about the budget. As I understand, what you're telling us is that you suggested rather than complain about all the requests that you've been getting for information from the Congress, and I must say particularly from this committee, you didn't want to suggest that perhaps those information requests had been reduced, because if you suggested the information requests might be fewer than they had been in the past, it might trigger the Congress to start sending more information requests. Is that what you meant by let sleeping dogs lie?

Mr. HEISSNER. That's exactly correct, sir.

Mr. WAXMAN. People may not realize it, but this committee has caused you, as a technical person, having worked for many administrations, to spend—I don't know—6 months is the estimate I got—of your time simply answering requests from this committee on the White House data base. Is that accurate?

Mr. HEISSNER. That's accurate, sir.

Mr. WAXMAN. The White House data base has nothing to do with e-mails.

Mr. HEISSNER. That's correct, sir.

Mr. WAXMAN. The White House data base investigation was an investigation that Congressman McIntosh conducted, and he wanted to find out whether something was really rotten with the White House data base because Christmas cards were going out using that data base, and he made all sorts of accusations. I think he even accused people of breaking the law. And then after spending a year or 2 years on that investigation, causing you to spend thousands of hours, many months of your time, all paid for by the taxpayers, there was nothing to show for that investigation, so requests were sent for more information and more information and more information, and the Congress just kept on fishing around to see if they could find some scandal. They found none. And you were alluding to in that, as I understand that particular document, that when your superior goes to the Appropriations Committee, don't raise the issue that we got a lot of requests before and fewer now; let sleeping dogs lie, maybe they won't have their attention drawn to the fact that they ought to be asking for more information. Is that what we're talking about?

Mr. HEISSNER. That's correct, sir.

Mr. WAXMAN. That's a different issue than what they are talking about on this committee, which is the Mail2 retrieval system, which is the archiving of e-mails at the White House; is that correct?

Mr. HEISSNER. That's correct, sir.

Mr. WAXMAN. Now, in your—let me just ask you some bottom-line questions. Let us just get this right on the record. There seems to be an allegation that the White House was trying to cover up damaging e-mails. At our first hearing the chairman said that the White House basically had two choices. They could face up to the problem, tell the Justice Department and Congress what happened, get it fixed, or they could throw a blanket over the whole problem, ignore it and hope nobody would find out. And the chairman says it looks like they chose to cover it up.

Mr. Heissner, did anyone ever ask you to conceal the existence of the computer glitch that caused the missing e-mail problem?

Mr. HEISSNER. No, sir.

Mr. WAXMAN. Mr. Lyle, did anyone ask you to do that?

Mr. LYLE. No, sir.

Mr. WAXMAN. Did anyone ask you, Mr. Heissner, to conceal the e-mail problem from Congress?

Mr. HEISSNER. No, sir.

Mr. WAXMAN. Mr. Lyle.

Mr. LYLE. No, sir.

Mr. WAXMAN. It's pretty ironic to ask you to conceal the problem from the Congress, because in December 1998, which was 2 months before your e-mail which they look at now as the smoking gun of the White House cover-up, it was reported in Insight Magazine that the Congress of the United States, in fact this committee, had information that some e-mails were missing. So we already knew some e-mails had been missing from the White House data base system. You probably know nothing about that particular publication, but it's interesting that in the public—a public document, a newspaper, they were talking about how this committee already knew that they weren't getting all the White House e-mails because of some glitch in the system. You are telling us you weren't trying to conceal this problem from the Congress.

Mr. HEISSNER. That's correct.

Mr. WAXMAN. Did anyone ever ask you not to report the e-mail problems to the Congress?

Mr. HEISSNER. No, sir.

Mr. WAXMAN. Mr. Lyle.

Mr. LYLE. No, sir.

Mr. WAXMAN. Now, Mr. Heissner, let's go back to that e-mail which is the topic of this whole hearing today. There's been some confusion about this document, and so let's try to clear up the confusion. You said the document—let's be sure we're working off the same document. There's a version with Bates stamp E 3865, dash, 3866, and the document indicates that you sent this e-mail to Dorothy Cleal. Who is Ms. Cleal?

Mr. HEISSNER. Mrs. Cleal was the Associate Director of the Information Systems and Technology Division. She was the person to whom I was reporting directly.

Mr. WAXMAN. Next to the subject heading of the e-mail, it says, "Issue Papers for Appropriations Hearing." What does that refer to?

Mr. HEISSNER. That refers to a request for information that was going to be passed on to Mr. Lindsay for appropriation hearings.

Mr. WAXMAN. I understand you were asked to prepare briefing materials on two issues. What were those two issues?

Mr. HEISSNER. That's correct. The two issues were Mail2 reconstruction, and the second one was called information requests.

Mr. WAXMAN. The e-mail contains a discussion of both of these issues. Continuing with the text of the e-mail, it goes on to say, "Issue: Mail2 Reconstruction (document attached)." Below that it says, "Issue: Information requests."

Are these two issues related to one another at all?

Mr. HEISSNER. No, sir, they are separate.

Mr. BURTON. They are completely separate issues.

After the section dealing with information requests, there's a divider and then a section labeled, "Mail2 Reconstruction." Below that heading there's a fairly detailed description of the history of the Mail2 problem and efforts to investigate it and fix it.

Let me ask you, did you want to prevent Congress from finding out about the Mail2 problem?

Mr. HEISSNER. No, sir.

Mr. WAXMAN. When you wrote, "Let sleeping dogs lie," were you referring to the Mail2 problem?

Mr. HEISSNER. No, sir.

Mr. WAXMAN. I think we know what Mail2 reconstruction refers to, but what does information requests mean?

Mr. HEISSNER. Information requests refers to the issue that was going to be perhaps discussed, or at least would be considered for discussion, the issue having to do with the level of effort that was required to respond to requests for information from different sources, and in particular the level of effort that had been required to respond to information requests related to the WhoDB data base.

Mr. WAXMAN. Did you want to hide information from Congress?

Mr. HEISSNER. No, sir.

Mr. WAXMAN. Looking at the text that follows, what did you mean when you wrote, "Let sleeping dogs lie"?

Mr. HEISSNER. What I meant by that was I don't think we need to draw undue attention to the issue of requested information related to the WhoDB data base since the requests are declining. We provided all that information as requested of us, we spent a considerable level of effort responding to these requests, we ran many queries. They were done very, very carefully to ensure that the information that was requested was made available, and it had a negative effect on the operations because it took away considerable time from a very small staff.

Mr. WAXMAN. Let me just underscore what that means when you say it took away time from a small staff. It took away resources that the taxpayers paid to have people work for the government in all sorts of capacities to just answer a flood of requests of information from the Congress, and this committee is probably guiltier than any other. This committee just kept on sending requests for more and more documents, more and more requests, and more and more people had to work on it. We have spent taxpayers' dollars just to fund this committee, I don't know how many millions, and then I don't know how many millions had to be spent just to answer the requests from this committee. And when the committee

gets documents and information that doesn't fit into the accusations of scandal, witnesses like you are treated with the back of their hand. They act as if you were trying to cover up for Bill and Hillary Clinton's misdeeds, and you are not a political appointee. You are a career civil servant working in a technical area.

I just find it astonishing, I guess is the best word to use, but I find it even more troublesome than astonishing. I find it unprofessional.

Now, let me ask Mr. Lyle some questions so we can get some of this on the record. I'm going to ask you about the Mail2 problem. When did you—you first arrived at the Office of Administration when?

Mr. LYLE. In November 1998.

Mr. WAXMAN. So you were not at the Office of Administration in the time period that the Mail2 problem was found and then fixed prospectively; is that right?

Mr. LYLE. That's correct.

Mr. WAXMAN. Let me just take a minute so that people who are watching this hearing or the press, because they are not thinking about this issue, to go through a timeline. An ARMS system, which is a retrieval system for e-mails, was set up at taxpayers' expense at the White House and at all the executive office buildings so that a historical record of all the e-mails could be captured; is that right?

Mr. LYLE. There was an automated records management system known as ARMS. It was established within the Executive Office of the President. I can't tell you what other government agencies have done.

Mr. WAXMAN. That system, as of June 1998, was discovered to not be operating in complete compliance with the goals and what the contractor, which was Northrop Grumman, I think—what they envisioned. So they discovered in June 1998 that some e-mails, and I think mainly e-mails that were being sent from the outside in, were not on this ARMS system. You weren't there in June 1998?

Mr. LYLE. That's correct, sir.

Mr. WAXMAN. By November 1998, they fixed the system, and they fixed it for the future so that every time anybody sent an e-mail either into the White House Executive Office or internally or from the office out, that was all going to be in the retrieval system. They found there was a problem, and they corrected it. That was in November 1998.

In December 1998, in the Insight Magazine—I think it's a publication of the Washington Times—they reported that this committee, the Congress, knew there was a problem of some of the retroactive e-mails not getting picked up. Did you know about that?

Mr. LYLE. I know of the report. Before I came to Washington, I had never heard of Insight Magazine, but since I've been here, I am now familiar with it. I don't know when I learned of the article.

Mr. WAXMAN. When were you first informed about the Mail2 problem?

Mr. LYLE. The Mail2 problem was in April 1999, thereabouts, as I've said. It's my most vivid recollection of learning about it in the context of the letter D anomaly.

Mr. WAXMAN. Did you have any reason to think there was an ongoing or potential problem with document production to meet the requests from all the investigators because of the Mail2 issue?

Mr. LYLE. No, sir.

Mr. WAXMAN. When did you learn that the Mail2 issue may have affected the production of documents by the White House in response to congressional and independent counsel subpoenas? You did learn that. That was April?

Mr. LYLE. That was in that April meeting that I described earlier for Congressman Barr.

Mr. WAXMAN. If there was not a perceived problem regarding document production, why was the Office of Administration concerned about the Mail2 reconstruction?

Mr. LYLE. In April 1999, the Mail2 reconstruction issue had been dealt with, but you still have archival issues that need to be addressed. Federal Records Act, Presidential Records Act, the Armstrong litigation, all of those precedents control records that need to be stored for historical purposes, so the focus as far as it related to the e-Mail2 issue during my tenure has been on the Federal records compliance issues, the Presidential Records Act and the things I've talked about so that you have a historical record that can be transferred to the National Archives Records Administration and also to the Presidential library.

Mr. WAXMAN. When the Office of Administration did see the Mail2 problem as something that needed to be fixed for these archival reasons related to Presidential records, why did the office not begin the Mail2 reconstruction project in 1999?

Mr. LYLE. At the time in 1999—and when you're talking about in the April 1999 timeframe, in 1999 we were in the midst of one of the most difficult information systems and technology challenges facing the Executive Office of the President. It was the Y2K crisis. It not only confronted the White House, it confronted the rest of the country and, in fact, the rest of the world. It was an extraordinary undertaking. There were many systems that needed to be Y2K-compliant to ensure that when the year 2000 came, that the Presidency would have computer systems that worked.

Mr. WAXMAN. If I could just interrupt you for a second. This Congress has done pretty much nothing on any important issue. We have a lot of recesses. We have short-week timeframes to do basically nothing because we're deadlocked, but I want to inform everybody that yesterday the House of Representatives voted unanimously to praise everybody who worked on correcting the Y2K problem because when the calendar clicked over into this new millennium, all the fears we had about Y2K did not come about, and we praised all the people that worked on it. So I assume you were included in that.

Mr. LYLE. I appreciate that, and I know that my staff will appreciate it, too. There was a small number of people in the Information Systems and Technology Division, only 40, 45 people. They worked very, very hard with our contractors to achieve a success that was—I would describe as nearly an impossible task and was only as a result of their hard work and the support that we received that we were ultimately able to succeed.

Mr. WAXMAN. So you were trying to decide how much money to spend on making sure you complied with Y2K or how much you could divert to deal with the Mail2 problem?

Mr. LYLE. Our No. 1 purpose was ensuring Y2K compliance, and as I said, this was a huge undertaking. It was drawing every American personnel resource we had available in the IT, information technology, area. All of our staff was working very, very hard on that project in one form or another, and it was, as I said, a huge task that we very proudly achieved.

Mr. WAXMAN. When did your office start to focus on the Mail2 project?

Mr. LYLE. After the Y2K issue was behind us, we started looking at it in a February—January, February, March timeframe.

Mr. WAXMAN. Of this year?

Mr. LYLE. Of this year, of 2000, remembering that February 29th was also a Y2K issue in terms of the leap year component. So it's in this timeframe that we had a comfort level that we could proceed with some of the projects that we weren't able to get to while we were focused on this largest—I would say the largest computer renovation in the history of the White House, and I would dare say other places as well.

Mr. WAXMAN. We have briefing papers which demonstrate that Beth Nolan, who is White House counsel, was told about the project at a January 2000 briefing about current records management issues, and this was before the press stories about the Mail2 began appearing in mid February. So is it accurate to say that the Office of Administration started addressing the Mail2 reconstruction issue before those stories first appeared?

Mr. LYLE. That's correct, sir.

Mr. WAXMAN. Did you attend the briefing for Ms. Nolan?

Mr. LYLE. Yes, I did.

Mr. WAXMAN. And what was the purpose of that briefing?

Mr. LYLE. There was a meeting that was coming with the National Archives and Records Administration [NARA], in preparation for the Presidential transition, and we had gone to White House counsel to explain to them the information that we knew relative to the anomalies, and where we were with respect to those. From a records management point of view, it was for purposes and in preparation of a meeting with NARA, and we discussed a variety of issues with respect to the e-Mail2 and the letter D anomalies in the records management context.

Mr. WAXMAN. After the briefing, what steps did the Office of Administration take to make sure that Mail2 e-mails were reconstructed?

Mr. LYLE. Following that briefing, a number of things took place. First we looked into costs associated with doing an e-Mail2 reconstruction. We needed to do a marketplace survey and develop cost assessments so that we could determine what contractors would be available to do the project, how it would be done. I instructed my information technology staff to prepare a plan that could be considered by contractors in the bidding process so that we could get moving on. We needed cost estimates for the project so that we could seek appropriate funding from our appropriators in connection with that effort, and all of those steps needed to be taken.

I received ultimately a cost assessment proposal from my IT, information technology, staff, I believe, around March 14th of this year, and it's from that that we began deliberate steps in that area.

Mr. WAXMAN. We are going to hear tomorrow from the White House counsels themselves, and they are going to tell us about their role in all of this. But as I recall from Beth Nolan's testimony several weeks ago, the system was found to have this problem, that it wasn't getting all the outside e-mails on the central system. They found out about it and they fixed it prospectively. And then a question came up: well, what about the retroactive e-mails that might have fallen through the cracks? And there were some tests done on the individual computers of some of the people involved with Monica Lewinsky, and they found that some of those e-mails that weren't on the centralized system were, in fact, on the computer systems of Miss Currie and others, and those had all been turned over to the investigators.

So she testified that as far as the White House counsel's office knew, everybody was getting the information they requested on e-mails as well as everything else. And now we are finding out that might not have been the case, but they believed that to be the case. Do you have any information on those issues?

Mr. LYLE. I'm sorry, sir, I do not.

Mr. WAXMAN. That wasn't your area?

Mr. LYLE. Right.

Mr. WAXMAN. We will hear from them tomorrow because that sort of addresses the other part of this conspiracy that is being painted before us by this committee's series of hearings on this single issue. And one of my ongoing concerns about congressional investigations regarding the campaign finance issue, this issue and many others, is that they cost millions of dollars to the taxpayer without producing substantial benefits.

For example, I asked the GAO to do a survey in 1998 that underscored the burden that congressional campaign finance investigation, just that investigation, placed on the Federal agencies, and that has nothing to do with this particular issue. But 21 Federal agencies reported that in the 18-month period between October 1, 1996 and March 31, 1998, they received 1,156 campaign finance inquiries from Congress, and GAO calculated the cost of responding to these inquiries cost the taxpayers \$8,767,753. That money could have been used for a lot of important purposes.

You note in your testimony you were involved with responding to requests related to the investigation of the White House data base known as the WhoDB; is that what it is called, WhoDB?

Mr. LYLE. That's correct, sir.

Mr. WAXMAN. That investigation conducted by this committee spent over 2 years examining whether anyone stole the President's holiday card list, and whether disclosing who attended White House social events constitutes theft of government property. Can you imagine? We spent all that time trying to figure out if there was theft of government property, and the investigation involved depositions of over 35 witnesses, the production of over 43,000 pages of documents.

One witness from the Office of Administration estimated that he spent about 1,500 hours, the equivalent of over 37 work weeks, be-

tween June 1996 and September 1997, responding to WhoDB information requests. WhoDB is a different issue than Mail2, and on that issue they spent all of this time and money to find that there was nothing there.

Mr. Heissner, can you estimate how much time you spent responding to requests on the WhoDB investigation? I asked you before and maybe you could tell us if you have done any estimate on it.

Mr. HEISSNER. Yes, sir. We tracked the number of hours reported to have been spent on WhoDB, and to the best of my recollection for the year of—fiscal year 1997, the IS&T staff reported over 3,000 hours during that year, and of those 3,000 hours, somewhat over 1,000 were attributable to the work that I did.

Mr. WAXMAN. I think it is important to have congressional oversight, but I think it is clear this committee frequently goes too far.

Mr. Lyle, Mr. Burton suggested that the White House was trying to run out the clock by delaying production of the Mail2 reconstructed e-mails until after the election. Is that accurate?

Mr. LYLE. No, sir.

Mr. WAXMAN. Why not?

Mr. LYLE. We are working very hard to reconstruct these e-mails as quickly as we can. We have a contractor on board. We have an independent validation and verification contractor that we will be having on board within days and proceeding as quickly as we can to reconstruct the e-mails.

Mr. WAXMAN. I just want to close the time I have here by making the comment, I am as strongly against obstruction of justice as any Member of the Congress. I don't look back at the time of President Nixon and President Bush as the golden age of this country. I don't think President Nixon was forced out of office because simply 18 minutes of a tape was missing. He was forced out of office because he misused the Office of the Presidency to go after American citizens, to obstruct justice in a very genuine way, and the Congress found that—at least the House found that he was guilty of obstruction of justice and brought impeachment charges against him.

And I can recall personally having been in the Congress over the years of President Bush how many times we requested information when we were told that executive privilege would preclude them from giving us important information. I thought that was often used inappropriately, but we certainly didn't go out and do the kinds of things that are being done now by the Republican-led Congress.

If there is credible information that anyone obstructed justice or intentionally concealed information, then I want to do everything and I will do everything that I can to ensure prosecutions are brought. I don't care if it is a Republican, I don't care if it is a Democrat. If anybody is obstructing justice, they ought to be prosecuted, but I am equally opposed to frivolous charges of obstruction of justice or unsubstantiated allegations that unfairly damage the reputations of people of integrity and good character. I resent it. I think it is unprofessional. I think it is unAmerican when people misuse their positions of power, whether it is President Nixon or Members of Congress, to make unsubstantiated allegations, smear people, accuse them of obstruction of justice, accuse them of crimi-

nal wrongdoing, frivolously sending letters to the Justice Department asking for prosecutions and then attacking the Justice Department if they don't bring prosecutions, even though there was no evidence of wrongdoing to substantiate any kind of criminal actions.

I think people have power but they need to restrain their use of that power and act in a sense of fairness and decency. If there is a criminal act, let's prosecute. If something has been done inappropriately, let's criticize it, but I don't think that these unsubstantiated allegations and smears ought to be tolerated.

I yield back the balance of my time.

Mr. BURTON. I will take my time, but I am going to yield it to Mr. Hutchinson in just a moment. Let me just say that Mr. Waxman once again has covered the waterfront. The campaign finance scandal is of great interest to people all across the country. Communist China gave money to the President's campaign. Money has been returned from the DNC; Taiwan gave money; Egypt gave money; South America gave money. We know about the Shiite temple. I mean, you know, he can say that this is just a waste of time, but the fact of the matter is people know that there was scandal involved there.

Mr. Waxman said you know this e-mail problem, you know, they can get this done in 6 months. They have known about it for 2 years. They knew about it in 1998, and they kept it under wraps from the Congress. Why didn't they fix it back in 1998 instead of waiting now and saying it is going to take 6, 8 months, so it carries out past the election?

Mr. Waxman also flat out misrepresented what the Insight magazine article said. He said the article claimed Congress knew about the problem. It does not say that, and I will read what the article says. It says, so why hasn't the White House complained and informed various panels in star of the discovery. Insiders say there is a lively debate going on involving a fair amount of legal hair splitting. We did not know about it and you ought to read the article clearly.

Mr. WAXMAN. May I ask unanimous consent that the full text of the article be in the record?

Mr. BURTON. No. Mr. Waxman belittled the WhoDB investigation. He didn't tell everyone that FBI Director Freeh said that he thought an independent counsel should look at this matter. This observation was made in a memo that the Justice Department will not make public. That is the FBI Director. I yield to Mr. Hutchinson.

Mr. HUTCHINSON. I thank the chairman. Trying to take my mind and sort of analyze where we are and what the relevant issues are before this committee, first of all, I think it is clear that there were subpoenas issued by this committee and others for information, and those subpoenas were not properly honored in the sense that records were not retrieved for compliance with the subpoena.

Second, another point is that critical information has not been revealed to Congress because of a computer problem there was not a total review of documents that were under subpoena.

Third, whether the missing e-mails contained pertinent information to investigations being conducted by this Congress and other investigative bodies.

And of course, the final question is if there was failure to comply, was it intentional, and that is—we don't have the answers to all of these questions, but we do know that these are important questions to ask. They are important issues for this Congress to deal with because I believe that when subpoenas are issued, they need to be complied with, and if they cannot be complied with, certainly the subpoenaing authority needs to be aware of the problem and the reasons for it.

Now, I was listening to the testimony of Mr. Lyle, and it is putting this back together. Of course, the e-mail problem became known in May or June 1998, and it became known to the administration during that timeframe. Congress was not advised of the problem that we could not retrieve and review all of the subpoenaed materials for compliance. Mr. Lyle, you indicated that you learned of the problem in April 1989; is that correct?

Mr. LYLE. Of the e-Mail2 problem, sir?

Mr. HUTCHINSON. Yes.

Mr. LYLE. Correct, in that timeframe.

Mr. HUTCHINSON. And that you had meetings with Beth Nolan during that timeframe as well?

Mr. LYLE. No, sir, I'm sorry, I had a meeting with Ms. Nolan in January of this year.

Mr. HUTCHINSON. January of this year?

Mr. LYLE. Yes, sir.

Mr. HUTCHINSON. Well, you indicated in response to questions of Mr. Waxman that you were wanting cost estimates as to what it would take to do the records retrieval.

Mr. LYLE. The records reconstruction of the e-Mail2 and the letter D backup tapes, yes, that was in this year.

Mr. HUTCHINSON. This is in order to reconstruct the records and to review them for compliance with the subpoena?

Mr. LYLE. Well, it's for reconstruction of the records. One of the things that you will be able to do is do an automated records management search, but it will also allow for those documents and those records to be transmitted to the archives and to the Presidential library.

Mr. HUTCHINSON. As well as reviewing the ARMS system to retrieve any records that would be pertinent to a subpoena?

Mr. LYLE. Yes, that's what I said.

Mr. HUTCHINSON. Well, we're saying the same thing.

Mr. LYLE. Yeah. I just wanted to add that there are other components.

Mr. HUTCHINSON. Other purposes. One is for your archival purposes, and the other one is for compliance with the subpoena. That's what I'm interested in.

Mr. LYLE. Right. You can put—you can search the automated records management system to comply with subpoenas or information requests or whatever you, yes.

Mr. HUTCHINSON. We understand each other.

Mr. LYLE. OK. I just want to be clear, sir.

Mr. HUTCHINSON. And so that was a purpose of it and that was important, but the question is, whenever it is known in May or June, the problem, no one was advised of it in terms of Congress; and second, you never went to the appropriators in 1999 to ask for money to assist in hiring a contractor to retrieve these documents and to get the system corrected; is that correct, Mr. Lyle?

Mr. LYLE. As far as what was conveyed to this committee in May or June 1998, I can shed no light on that for you. With respect to the appropriators in 1999, during our fiscal year 2000 appropriations hearing, the e-Mail2 project was one of those projects that I discussed earlier, that we had to set aside for Y2K as our focus and our No. 1 priority.

Mr. HUTCHINSON. Let me ask you a question. In 1999, did you go before the appropriators and ask for money to correct this system and to retrieve the records and hire a contractor for that purpose?

Mr. LYLE. Our purpose was the Y2K crisis.

Mr. HUTCHINSON. I'm asking you a simple question.

Mr. LYLE. Yeah, I'm sorry.

Mr. HUTCHINSON. You can answer it yes or no.

Mr. LYLE. No, the answer is, we did not ask for funds to do the e-Mail2 reconstruction in the fiscal year 2000 budget submission during the year 1999, calendar year 1999, in that our, as I said, our singular purpose was Y2K compliance. In other words, you had to prioritize. If you have a computer system that doesn't work, period, your systems will not operate. You can't serve—you can't function.

Mr. HUTCHINSON. Your priority was Y2K compliance.

Mr. LYLE. Yes, sir.

Mr. HUTCHINSON. And so you did not put it as a priority, advising the appropriators that you also have a problem in the retrieval system, and that would allow you to comply with subpoenas of Congress.

Mr. LYLE. Well, subpoenas of Congress, in 19—in the timeframe that I was operating under, I'm not aware and I don't know—and I believe my staff is not aware of any subpoena compliance issues. We have no knowledge of whether or not—what communications took place between White House counsel's office and this committee in respect to your subpoenas or any other information requests.

Mr. BURTON. My time has expired. We'll come back to you in just a minute. You can pursue that further. Mr. Ford.

Mr. FORD. Mr. Chairman, thank you. I don't really have many questions. I really just have a comment. I'm frustrated like all of us, I would imagine all of us in the Congress that we're continuing to sort of pester these people from the White House and Department of Justice. I appreciate you being here this morning and appreciate your responding to some of the questions, as ridiculous as some may be.

I would hope, Mr. Chairman, that the same zeal that we're applying to today's hearing we could apply to some of the more constructive things that people would rather have us doing. I think if we just sort of take a second to step back and listen to some of the questions we are actually posing with almost a serious tone in our voice it's somewhat embarrassing. I understand tomorrow we're

going to invite folks who no longer work at the White House who did work at the White House back up to talk about these issues.

I share your belief, Mr. Chairman, that people do care about campaign finance reform, they do care about allegations of campaign finance abuse, but they also would probably be interested in us doing something about it as opposed to continuing to investigate, investigate and investigate.

I think it's important to note that all of the witnesses I think have answered questions as sufficiently as they can, and regardless of how we seek to frame them, I don't believe they're going to provide different answers because they're trying to answer truthfully.

So I would hope that we would cooperate with them as well, particularly when we ask questions that require more than a yes or a no, that we at least allow the witnesses to elaborate.

Last, Mr. Chairman, I would hope that after we complete this, and I thought that we would probably be finished investigating after some point, I thought the President said it very well the other night when he said we only have 7 months left to investigate him and hopefully we'll get all the questions. I shouldn't say "we." You guys will get all the questions answered that you want.

Quite frankly, I'm satisfied with the answers that I have heard by the panelists, and I would hope that you would express to your colleagues back at the White House and the Department of Justice, who are working tirelessly on a whole range of issues, that some of us in the Congress actually believe you're doing some decent work, and we look forward to working with you on a whole range of other issues to try to improve the lives of most Americans, or even all Americans, even those represented by my Democratic colleagues and Republican colleagues.

I want to apologize on behalf of this committee for the White House and for the Justice Department and others, and don't get me wrong, I think there are legitimate times when I think you should come here and answer our questions, but I think at some point in time it's safe to say we have gone completely overboard. I think that we have become obsessed and intoxicated with the notion of investigating. When we can't think of much to do, we invite a few Justice Department officials and White House officials to come and answer questions about fantasies and concoctions and fabrications that some of us in this committee may have.

So on behalf of the committee, I apologize for some of the questions you're receiving, and I appreciate your coming before the committee today, and with that I yield time to my friend from Massachusetts, Mr. Tierney.

Mr. TIERNEY. Thank you, Mr. Ford. I'm going to try something here of an explanatory nature and see how I make out. If you can explain it to me, though not particularly computer proficient, maybe then everybody can understand it.

Go back over some of the timeframes Mr. Hutchinson was referencing. Apparently, it was November 1998 when the system was fixed, at least prospectively.

Mr. LYLE. Yes, sir.

Mr. TIERNEY. In 1996 was when the problem actually occurred, so you have got a 2-year period from 1996 to 1998.

Mr. LYLE. It's my understanding it was 1996 to 1998 with respect to the e-Mail2 issue.

Mr. TIERNEY. In June 1998, the White House counsel discovered that there had been a problem.

Mr. LYLE. I'm sorry, in June 1998?

Mr. TIERNEY. 1998.

Mr. LYLE. Mr. Lindsay notified White House counsel relative to the e-Mail2 problem.

Mr. TIERNEY. But also notified them that, in fact, they were working on the problem, and then in November of that year they would have determined that it was fixed, or at least White House counsel would have been told it was resolved.

Mr. LYLE. That's the information that's been provided to me.

Mr. TIERNEY. And it's not uncommon, I would guess, for lawyers in the White House counsel's office to talk past the technical people in terms of who understood what aspect of the situation.

Mr. LYLE. I have a lot of technical people who work for me, and I'm not the most technical of them, and yes, that happens even to me.

Mr. TIERNEY. So that around April of the year when the White House counsel was supposed to be responding to subpoenas, it's very likely, or seems very clear that they thought the matter had been resolved, and that all of the materials that had been requested had, in fact, been submitted.

Mr. LYLE. Based on the information that I know of, I can't shed any more light on in terms of what was communicated to White House counsel's office by Mr. Lindsay or not.

Mr. TIERNEY. And then after that, once the issue is resolved and the technical people told them that, in fact, there may have been some old e-mails incoming that might not have been actually determined; you went on that effort in the case to trying to ascertain those e-mails and discover them since that time; is that right?

Mr. LYLE. We're trying to reconstruct them as we speak.

Mr. TIERNEY. I think that's pretty clear. Thank you.

Mr. BURTON. Does the gentleman yield back the balance of his time?

Mr. FORD. I do, Mr. Chairman.

Mr. BURTON. The gentleman yields back the balance of his time. The one thing that needs to be made clear is that the timeframe that we are very concerned about regarding the campaign finance investigation was from September 1996 to 1998 when this whole problem arose. It's very relevant to that investigation, that particular investigation, and that's why it's so important.

Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman. And I certainly want to agree with my colleague from Tennessee, and Mr. Lyle, I do not want to cut you off. I just think that we were reaching an agreement.

Mr. LYLE. We were, and again, I'm doing that, I'm sorry, I didn't mean to interrupt you. I know we were trying to get to where we understood each other, and I appreciate that.

Mr. HUTCHINSON. And because of the 5-minute rule, I try to move fairly quickly, but I certainly want to be fair in the questions to you. I think what you were testifying to is that what you were

concentrating on the Y2K problem, and it was not your responsibility to comply with subpoenas and——

Mr. LYLE. Well—I'm sorry, go ahead and finish your question.

Mr. HUTCHINSON. Well, I mean, if I'm incorrect in that, but I was trying to give you a way out here. The point I was making is that again, this was in May or June 1998 when it was first learned about by the White House, Congress was not advised of it, and no requests were made for money to help retrieve the records that were under subpoena. That was almost 2 years ago. We still have not retrieved the records, and it was during that time that there were some very important investigations going on in which this Congress was being pressured to wrap it up, and the White House said how long are you going to do the investigations when, in fact, they knew that there were records that were being stored at the White House that had never been reviewed and turned over to this Congress, and we were never told of the problem. And so I think that those are legitimate frustrations. Now do you want to respond to what I just said, Mr. Lyle?

Mr. LYLE. I can't tell you in terms of—with respect to subpoenas, we have a process in place that is used to respond to subpoenas. The Office of Administration, like any other Executive Office of the President agency, is responsible to provide information to the White House counsel's office so that they are able to respond to subpoenas that they receive or information requests that they receive. So we do participate in that type of process. So the Office of Administration in that capacity, and as an information provider, does participate.

Mr. HUTCHINSON. And the administration did its job by telling the White House counsel's office that there was a problem.

Mr. LYLE. Yes. Mr. Lindsay advised me that he had done so.

Mr. HUTCHINSON. And so it was the White House counsel's responsibility at that point to advise the appropriate congressional subpoenas, or anyone else who had something under subpoena as to the problem.

Mr. LYLE. The White House counsel's office is the point of contact for the discussions and communications with this committee and the other inquiring bodies.

Mr. HUTCHINSON. Thank you.

Mr. Heissner, did you ever see any subpoenas? Did that come within your responsibility to actually know the information that was under subpoena?

Mr. HEISSNER. To the best of my recollection, the process would involve receiving an e-mail document that would be sent to the Office of Administration and its staff that would require responding to subpoenas. I may have seen some physical subpoenas, yes.

Mr. HUTCHINSON. And sometimes you would know where the subpoena came from and sometimes you would not?

Mr. HEISSNER. That's correct.

Mr. HUTCHINSON. And many times it would just be a request, we need these records, they're under subpoena but you might not even know who the subpoena came from; is that correct?

Mr. HEISSNER. That's correct sir.

Mr. HUTCHINSON. And who would customarily send you that e-mail?

Mr. HEISSNER. The current process involves the receipt of a broadcast of an e-mail to all staff by White House counsel, and then there would be a separate e-mail, a copy of it sent, separate e-mail be sent out by IS&T management, someone in the front office would send it to all staff, and that person would then collect the responses to the request for information. This is the current process. In the past I collected information, but it would be followed back through channels.

Mr. HUTCHINSON. Was that the process that existed back in 1998 and 1999?

Mr. HEISSNER. That was a similar process. It would be followed to us through White House counsel. We would respond and then send the information back to the White House counsel, and I might add, those requests were taken very seriously. We took all diligence in making sure that the request was understood, to analyze what the information was that was sought, and then to develop the software to give us the answers.

Mr. HUTCHINSON. It was very serious from your standpoint in the Office of Administration, you don't know what happened once you gave the information to the White House counsel?

Mr. HEISSNER. That's correct, sir.

Mr. HUTCHINSON. And you did your job, or Mark Lindsay or someone else in your Department gave the information to the White House counsel that there was a glitch in the computer system, they're not able to review it, and you knew that was important information that the White House counsel should know about.

Mr. HEISSNER. That's correct.

Mr. HUTCHINSON. Now, I want to go to exhibit 81. It's been referred to previously, and I just need to get a better grasp of this. This is a document that you created, correct, Mr. Heissner?

Mr. HEISSNER. That's correct, sir.

Mr. HUTCHINSON. And the first sentence says while I'll be glad to write up something to the information request channeled to us via White House counsel in response to various requests from Congress, etc. Who is this being—who are you responding to?

Mr. HEISSNER. I was responding to Ms. Cleal, who was my supervisor at the time who had made the request by telephone.

Mr. HUTCHINSON. And the request by telephone was work up how many hours you're devoting to this, this might be some information we might want to give to Congress?

Mr. HEISSNER. The request was to address the issue of information requests and the impact it would have—that it had on us at the time and to provide some information that might be suitable for submission to Mr. Lindsay in his presentations to Congress.

Mr. BURTON. I'm sorry, Mr. Hutchinson, your time is expired. We'll come back to you. Who seeks time on your side?

Mr. Davis, do you seek time?

Mr. DAVIS OF ILLINOIS. Yes.

Mr. BURTON. Mr. Kanjorski, do you need time?

Mr. Kanjorski.

Mr. KANJORSKI. There's an article that appeared in the Washington Times today about certain involvements of e-mail of Mr. Blumenthal. Who is familiar with that?

Mr. LYLE. I am familiar with that article, sir.

Mr. KANJORSKI. Did you read that article?

Mr. LYLE. Yes, I did.

Mr. KANJORSKI. Could you tell us what basically happened there and what's the answer to that story if there is an answer.

Mr. LYLE. The information that I have right now on that is that there was an e-mail that was sent to Mr. Blumenthal from the U.S. Embassy in England, and the e-mail ended up in what my technical people tell me is a loop, and what that means is that the e-mail was sent over and over and over again, and as a result of that loop that occurred, a great volume of that same e-mail ended up being repeated over and over and over again, and it grew into a large mass, I guess is the best way to describe it, of data.

As a result, Mr. Blumenthal's computer failed. It could not take that massive amount of information. So he called over, and our IS&T people worked with him to correct his system.

And the issue then arose, we have this e-mail that had been sent over and over and over again, what do we need to do about it, and the information that I was provided was is that the e-mail substance was in that mass, identical, duplicates of this e-mail were created. The director of the Office of Administration made a determination in consultation with counsel's office—Office of General Counsel and the Office of Administration that the e-mail should be preserved, and it has been preserved, and the duplicates, the same e-mail over and over again, that mass of information has been deleted so that it doesn't jam the system and cause system failures.

That's what we have—that's the information I have currently on that, sir.

Mr. KANJORSKI. That came from the American Embassy in England?

Mr. LYLE. Yes. The U.S. Embassy in England is the source of that looped e-mail that sent those duplicate e-mails over and over and over again.

Mr. KANJORSKI. You don't think that perhaps it was an attempt by the United Kingdom of a terrorist attack on the White House computer system?

Mr. LYLE. I don't believe that the United Kingdom launched a terrorist attack on the United States in the form of this e-mail.

Mr. KANJORSKI. Don't you think we ought to have a congressional investigation on that?

Mr. LYLE. No, sir, I do not. It's one of those things that happens.

Mr. KANJORSKI. I was suspicious because the other night I watched a program of the President in the Executive Office building riding a bicycle, and there was present another individual on a bicycle, and I think it may have been the prime minister of England, and I was wondering whether there's a seizure going on at that time.

Mr. LYLE. And I have no knowledge on the bicycle episode, sir, but I can say that I hope that the floor was cleaned after he was done.

Mr. KANJORSKI. Mr. Chairman, I have no further questions.

Mr. BURTON. There is damage to the hood of my car however. Who's next?

Mr. Shays.

Mr. SHAYS. Good morning, gentlemen. My challenge is when you don't have an honest President, you wonder if those who work for a dishonest President are telling the truth. So I start out with that basic question. I still want to know who hired Craig Livingstone, the young man in the White House who had possession of over 800 sensitive FBI files, almost entirely on Republicans, and I want to know who he allowed to see those files.

Now the interesting thing is Insight Magazine suspected that the First Lady hired him, but I wouldn't make that determination based on what Insight Magazine said. So I'm not even at the level of trusting, but verifying. I have a lot of suspicions.

And I have little trust that this White House is telling us the truth, and I realize that you are, for the most part, career people who work for the White House, but I know other career people who work for the White House, they worked for the travel office and they were fired, and then the FBI and the IRS were forced to look at them and I don't know why. Then you had this e-mail mess at the White House, which only heightens my suspicion. So have a little patience with me, and I hope Mr. Waxman will as well.

I know 120 people have basically taken the fifth or fled the country. 79 people have taken the fifth amendment. They don't want to answer questions. So there hasn't been much cooperation.

Now, what I do know is that 2 years ago, in May 1998, it was discovered that we had a missing e-mails problem, and I do know in 1998 on the 18th, we had a test, and I do know almost 2 years ago on June 19th, the White House counsel, Mr. Ruff was told of the problem by Mr. Lindsay. Now, from June 19 to November 20th, the problem wasn't solved. So we still had a continuation of the problem, and I do know this, that no one from the White House told this committee.

Now we have Mr. Ruff telling us in 19 that we had all relevant information, and that we had a complete document of e-mails. So he was on file before this committee telling us we had the documents, and then he knew on June 19th, and I realize that's not both of you, but I just want you to have a sense of the challenge we have.

Now there was the Insight Magazine in November 1998, but Insight has made accusations, pretty incredible accusations about the President that none of us would want to believe. Then we knew in the 20th of this year from the Washington Times, it got to be a little credible, then Northrop Grumman, on March 23rd came and testified, and then, in my judgment, the White House came clean.

Now what happened during that time? We have 246,000 e-mails that we don't know about, that weren't transmitted. Now some of them may not be relevant, but there are 246,000, and they're interesting people. They're Betty Currie, they're Ira Magaziner, they're Phil Kaplan. Now why would I be interested in what Phil Kaplan has to say? He's the gentleman whose office—he's the special assistant to President and deputy staff secretary, Office of the Staff Secretary. His job is the conduit into which all messages to the President come, and this is one e-mail that we happen to discover because it didn't disappear in these 246,000 e-mails that we can't find, that you can't find, and this is a memo informing the President that because of a failure to comply with the law they're going

to be fined \$1 million potentially in fines, campaign fines. This was from Harold Dickey's, but it's under Phil Kaplan. Now, Phil Kaplan has 944 potential e-mails.

I want to know how many other potential e-mails like this we haven't found, and then you have memos from Mr. Lindsay, 17. You have Ira Magaziner, 3,693. You have Bill Clinton, too. You have Betty Currie as well. So the problem is we need to know the truth, and what I'm hearing is that you all told the White House counsel everything you know. The question I have is were you surprised that the White House counsel, given what you knew, didn't notify us of the problem? I'll ask you, Mr. Heissner.

Mr. HEISSNER. I guess I would not be privy to the communications between White House counsel and this committee.

Mr. SHAYS. Is it your testimony that we knew about this problem?

Mr. HEISSNER. I have no knowledge—

Mr. SHAYS. I want you to be real careful with this one OK. I want you to be careful with my question. The question is, did you have any understanding that maybe this information had not been made public and forwarded to the committee? Was this something that the public knew about or did you know about?

Mr. HEISSNER. If the question is did I have any knowledge of the communications between the White House counsel and to this committee of information that we provided.

Mr. SHAYS. And the answer is no, correct?

Mr. HEISSNER. The answer is I have no knowledge of the information that was forwarded or—

Mr. SHAYS. Let me ask my final question then, sir. You're aware that this was called project X, and you're aware that you didn't like that term. It is your knowledge, isn't it, that you knew that the public didn't know about this?

Mr. HEISSNER. I can't say that, sir. I don't know that for certain.

Mr. SHAYS. So you never suspected—you thought—you never suspected that this was information just kept within the White House and it wasn't made public, you're going to be on record as saying—giving your response about the project X, you want to be on record as suggesting that you don't know whether or not the public and the press were aware of this issue?

Mr. HEISSNER. I would have to speculate, sir.

Mr. SHAYS. And what is your speculation?

Mr. HEISSNER. My speculation with respect to what you term project X, it's difficult, sir. It's difficult to say whether that information was made public or not.

Mr. SHAYS. Did you think it was made public?

Mr. HEISSNER. It's possible that it was made public, yes.

Mr. SHAYS. Did you think it was made public?

Mr. HEISSNER. I don't know, sir.

Mr. SHAYS. You don't know what you thought?

Mr. HEISSNER. Well, if it were my speculation I would suspect that it would become public perhaps through—indirectly through communications between individuals and the press. I really don't know.

Mr. SHAYS. Don't you think that a reasonable person like you would have come to the conclusion that if there were 246,000 po-

tential e-mails that hadn't been forwarded to the committee, and there was no public discussion of it, that the public probably didn't know about it?

Mr. HEISSNER. It was my responsibility to pass information through channels. After it left that sphere, I did not followup on what actually was made public or not. It was not something that I was—

Mr. SHAYS. I'm sorry, I'll be done with this question then. Did you object to this being referred to as project X?

Mr. HEISSNER. Yes, I did, because it gave a sinister connotation to what I considered was a mechanical, technical failure, and it deserved to be named properly as an ARMS—

Mr. SHAYS. You understand why I would be cynical when I saw that memo.

Mr. BURTON. Sorry, the gentleman's time has expired. Mr. Davis, I think we have time for you and then we'll head for the vote.

Mr. DAVIS OF ILLINOIS. Thank you, Mr. Chairman. I'll be quick. Mr. Heissner, would you say that your basic responsibilities are technical in nature or analytical or policy analysis?

Mr. HEISSNER. That's correct. I think I view our responsibilities as being technicians that provide the information systems technology to deliver that technology to policymakers and administrators.

Mr. DAVIS OF ILLINOIS. So the analysis of public opinion, public awareness, of public scrutiny, public involvement, that's not a part of what you're expected to do?

Mr. HEISSNER. That's correct, sir.

Mr. DAVIS OF ILLINOIS. Mr. Lyle, let me just ask, are you satisfied that you have complied with the basic responsibilities of your office relative to compliance, given the technical problems that have existed, or the technical difficulties of generating the information?

Mr. LYLE. Yes, sir.

Mr. DAVIS OF ILLINOIS. Do you feel that you have been involved in any way in any stonewalling, delaying, circumventing, denying, unwillingness to come forth with information that you could provide?

Mr. LYLE. No, sir. In fact, just the opposite. I believe I have been cooperative, as well as my staff.

Mr. DAVIS OF ILLINOIS. Thank you very much. I have no other questions, Mr. Chairman.

Mr. BURTON. We have a series of votes on the floor. We will stand in recess. I'll ask you gentlemen to stick around. We're sorry we have to hold you for a little while. We have a few more questions. We stand in recess until fall of the gavel.

[Recess.]

Mr. BURTON. While we're waiting for Mr. Barr, we'll go ahead and yield to counsel who had some questions regarding the appropriations process and the appearance of the White House before that committee.

Mr. WILSON. Mr. Heissner, good afternoon. Mr. Lyle, good afternoon.

I just wanted to try and establish one thing, Mr. Heissner. From our perspective, you were in charge or one of the people in charge

of fixing the e-mail problem. It was a problem discovered in June 1998. The e-mail we were talking about earlier you wrote in February 1999. That's over half a year after the problem was discovered. From our perspective, you were supposed to be one of the problem solvers. Now, if you didn't have the people or the money to fix the problem, from our perspective it seems you had to know that there wasn't going to be any progress, that the problem wasn't going to get solved. One of the questions we really want to have answered is, what did you do to fix the problem?

Mr. HEISSNER. I became involved in the resolution of the problem very late in 1998. The environment in which it worked, there was a great deal of ambiguity about roles and responsibilities. The recovery of Mail2 server had not been given to me until then, and then there was a meeting with Mr. Barry and somebody else that we mutually agreed that this is a responsibility that would fall within the systems integration development branch. So this was maybe December 1998. At that point Mr. Barry was taking the responsibility for reviewing the processes that were going on to make sure what he called the bleeding stopped.

Mr. WILSON. I don't have a lot of time. What I'm looking for are the affirmative steps you actually took to solve the problem. Did you ask for money? Did you ask for more people? Did you complain to your management that things weren't going forward? What affirmatively did you do to make this problem go away?

Mr. HEISSNER. I reported to our management the need for remediation. I was aware of that. In fact, the documentation you have shows that I provided the new director of OA, of IS&T with details as to the situation involved. I made some recommendations about remediation.

The process had to go through proper channels, would go through a COTR, Contracting Office's Representative, to Northrop Grumman whose staff was performing the day-to-day operations and were also looking at a way of correcting the current problem.

Mr. WILSON. We've seen the documentation. I'm very sympathetic to the career people that were involved in the process because it appears they were very frustrated. Mr. Barry appeared to be frustrated. You appeared to be frustrated from looking at the documents. But what we're trying to find is, is there a tangible expression of somebody moving forward before February 2000? And that's what we're trying to find here.

We know all the explanations, but we haven't seen a request for money. We haven't seen a request for people. We're hoping you can help us out of that dilemma. Did you ever ask for money?

Mr. HEISSNER. It was implicit that we would need funding to perform that work because there was no funding under the current contract with Northrop Grumman to perform that work.

Mr. WILSON. Let me stop you there for a minute. Mr. Lyle came in for an interview last week, and he told us money was not an issue. Money was not needed. That was not the problem. You are sitting here today telling us it was implicit that money was needed to move forward, which makes perfect sense to us. It seems that if you had a problem to fix and you didn't have the money and the people, you had to get it. And so our issue here is you just told us that you needed to get money. Is that correct?

Mr. HEISSNER. The issue was that we needed to receive funding to proceed with the Mail2 server remediation task.

Mr. WILSON. The simple question I guess is, if you needed to receive money to proceed, did you ever ask for it?

Mr. HEISSNER. It was implicit in the request—in the statement of work we received from Northrop Grumman, which indicated that the cost to develop a system to correct the—to restore—to retrieve and restore the data would be on the order of \$600,000 and that went through proper channels to my management at which point I was awaiting authorization to proceed.

Mr. WILSON. But I understand it was implicit, and what Northrop Grumman has given to you—in fact, we've seen letters saying they weren't going to proceed or do anything unless they got formal authorization. We understand what Northrop Grumman did. What I'm looking for is somebody on the other side, on the White House side saying you are to move forward and at the same time asking for money to enable them to move forward. Because if they weren't going to be funded, it's clear to us from the documents received that they were not going to move forward. So I have not seen—did you have a document where you signed something that said I would like congressional funding to move forward?

Mr. HEISSNER. Not to my recollection is there a document that requests the funding, but there are documents that indicate that IS&T was waiting for obtaining approval to proceed associated with funding being made available to us.

Mr. WILSON. Who was supposed to be—who were you waiting for?

Mr. HEISSNER. The issue went through proper channels. It would go to the director of IS&T and from there would go to the director of OA and perhaps general counsel to be addressed.

Mr. WILSON. Those are the channels. You were waiting for directions from your superior?

Mr. HEISSNER. That's correct. I was waiting for direction to proceed along with the funding that's required to do that.

Mr. BURTON. Let me interrupt. You knew about the subpoenas, though, because you said earlier in your testimony that you were aware of subpoenas and you had seen some of the subpoenas. So you knew about the subpoenas and you knew nothing was being done and you didn't make a request for money to get the problem solved so that the subpoenas could be satisfied from the independent counsels and the Congress?

Mr. HEISSNER. I have a document here. It has a Bates Stamp Number E 3877. It would be your No. 92, exhibit No. 92, if I might draw your attention to that; and it might help understand, perhaps, or explain.

As you see, this is a document which describes the current state of the Mail2 reconstruction; and at the very bottom it says, "Current status: Awaiting funding and management decision to proceed." And that's where I stood. I was waiting for that to happen. I might have had informal conversations. I don't recall having any formal documentation that would show that I would keep on asking how soon they may receive this.

Mr. WILSON. To make sure we're fair to you, it's fair you were waiting for directions from your superiors on how to proceed; is that correct?

Mr. HEISSNER. That's correct, sir.

Mr. WILSON. Did you ever get directions from your superiors to move forward?

Mr. HEISSNER. No, sir.

Mr. WILSON. At any time before the year 2000 did any manager of yours ever come and say you must do something to get this fixed?

Mr. HEISSNER. No, sir.

Mr. WILSON. Now, Mark Lindsay, who testified before us, is going to come before us tomorrow again. He told us under oath a few weeks ago, quote, my first instruction and my first belief was to do whatever was necessary to fix the computer problem. Now, did Mark Lindsay ever come to you and say this is what we're going to do to fix the computer problem?

Mr. HEISSNER. No.

Mr. WILSON. You're the person that is managing this problem. Did he ever come you to and ask for work product to—a comprehensive plan as to how you were going to move forward?

Mr. HEISSNER. This was one of many tasks that we were involved in, and it was kept open until direction to proceed and funding would be made available. That's the status and how we operated then.

Mr. WILSON. The question was, did he ever ask you to do anything?

Mr. HEISSNER. No.

Mr. WILSON. He told us a couple of weeks ago, my No. 1 objective was to make sure this problem was resolved; and again you have just told us he didn't actually ask you to do anything. How does your inaction square with what Mr. Lindsay told us?

Mr. HEISSNER. Well, Mr. Lindsay and I would not be speaking on a regular basis on business like this. Communications would go through channels. It would go through Mr. Lindsay, to the director of IS&T, and from there would be followed down to me. So this is not—would not be a topic of discussion that we would be engaged in nor is it something that—I would not see Mr. Lindsay all that often. It would be usually just in the hallway. It would not be conversation dealing with these issues.

Mr. WILSON. I can understand that. But from our perspective, we're trying to decide if this was a priority for Mr. Lindsay as he told us. It seems fair for us to assume that at some point over the course of nearly 2 years he would seek out the person who is in charge of the problem and he would say to that person, you must do this. And you've just told us that you did not receive directions from your superiors to actually move forward with that project; is that correct?

Mr. HEISSNER. That's correct, sir.

Mr. BURTON. We'll come back to the counsel in a minute. He has about 20 minutes left on his time.

Mr. Barr.

Mr. BARR. Mr. Heissner, going back, please, to exhibit 81, which was the subject of some earlier discussions, the February 5, 1999

e-mail. Turning your attention—as we had discussed earlier, one paragraph above the let sleeping dogs lie comment is the break in the text. The text says, we may not want to call undue attention to the issue by bringing the issue to the attention of the Congress because—and then it just stops and then picks up a subsequent paragraph later on. Why is there material missing there?

Mr. HEISSNER. The assumption that there is some material missing is not correct. The original presentation of this paragraph, as I'm looking at this, it looks like it's just one sentence. It starts with "while" and ends with a period after declining. So there's a clause while.

Mr. BARR. And ends where?

Mr. HEISSNER. At the bottom of the—just above the let sleeping dogs lie.

Mr. BARR. No, I don't think that's a reasonable assumption. The last three lines begin last year's with a capital L. That's a new sentence.

Mr. HEISSNER. No, sir, that's not the way I communicate. In the original, there is a bullet there, and it's my practice to capitalize the first word following a bullet. The bullet does not show this. You can see because, and then it has the first line. There's a comma—

Mr. BARR. When you say a bullet, you mean what's found at the bottom of the page?

Mr. HEISSNER. Yes. The bullet that's at the top would be—would have been a graphic. That was inserted when I typed in the text, and it would be a circle that's fully filled. It's a graphic which does not reproduce, apparently, in the records that are restored. The bottom part came from a document where I actually entered the bullets by using lower case Os and there they show.

As I see—issue information requests, to me that's one sentence. I could have said, one, two, three; and if I had said that, it would have saved us all a lot of speculating and questions. The intention was because one, two, and three; and you can see the punctuation there. It's a comma at the end of the first sentence, a comma—

Mr. BARR. The bottom half of the page below the double dash line, who typed that?

Mr. HEISSNER. I did that, sir.

Mr. BARR. You are a very precise typist.

Mr. HEISSNER. Thank you.

Mr. BARR. You use proper grammar. You start sentences with a capital letter. You end them with a period. You have a paragraph break where there ought to be a paragraph break. So what you're telling me basically is to believe that you used two entirely different writing styles. The writing style at the top where you have the word "because" unlike every place else you don't have a colon there before you list bullet items, and unlike every place else in the document where you begin each bullet item with a capital letter and end each one with a final punctuation, a period for example, you don't do that here. And you're saying that's simply because some of the graphics didn't get picked up?

Mr. HEISSNER. That's correct. In the first case, I used what's called an unordered list which had three clauses. This is one sentence with several clauses. The second part there is a list of items,

and I use a colon. And then you see the items that are listed are full sentences. They stand by themselves.

The first information requests part is essentially one sentence, and it's just like saying because one, two, three or A, B, or C or item, item, item, period.

Mr. BARR. I hear what you're saying, and I suppose that's one explanation. So what you're saying is you have this break in the first paragraph not because there's any information that's not there but because there was something different about this first paragraph that had graphics that weren't picked up as they were in the bottom?

Mr. HEISSNER. That's correct, sir. In the first paragraph, the method of entry was different from the method of entry in the second paragraph. When you use—when I use the Lotus notes e-mail software and I provide lists of items, I can go and highlight those three sentences and specify I would like to have a bulleted list. And the software inserts graphics that cannot be normally—that were not retained in the records management software.

Mr. BURTON. Let me interrupt. The gentleman's time has expired. I'm going to yield him my time, but I just want to ask Mr. Heissner a question that's consistent with what you're asking. Have you conducted a manual search of your e-mails in response to the committee's subpoena? And did you find a copy of your "let sleeping dogs lie" e-mail? And if you did this manual search, did you find the bullet points and why don't we have them?

Mr. HEISSNER. I performed a search. I printed off the documents, and I submitted those documents through proper channels as the process calls for.

Mr. BURTON. Through proper channels?

Mr. HEISSNER. It would be through Christa Moyle in OA, and IS&T collects the documents.

Mr. BURTON. So the bullet points were on there then?

Mr. HEISSNER. That's correct.

Mr. BURTON. You submitted them through the White House, through proper channels?

Mr. HEISSNER. Submitted them through problem channels.

Mr. BURTON. So why don't we have them?

Mr. HEISSNER. I have no knowledge.

Mr. BURTON. So the proper channels—someplace along the way there was a block as far as those bullet points are concerned because we don't have them.

Mr. HEISSNER. All I can think is that the—there were two copies of the same document, and this copy came out of records management of the ARMS system. It was this copy that was submitted rather than the paper copy I provided. The paper copy I provided, sir, looks exactly like this, except it has those graphics.

Mr. BURTON. I understand, but the point is you ran those through proper channels so they would come to the committee and we never got them and you don't have an explanation why. I'm not saying it's your fault, but somebody along the chain of command evidently felt like they shouldn't be given to the Congress for some

reason. We'll try to find that out tomorrow.

Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

Mr. Lyle, turn if you would, please, to exhibit 6.

[Exhibit 6 follows:]

560



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF ADMINISTRATION
Washington, D.C. 20503

January 13, 2000

MEMORANDUM FOR BETH NOLAN
COUNSEL TO THE PRESIDENT

FROM: CATHERINE S. ANDERSON *CSA*
ASSISTANT GENERAL COUNSEL

SUBJECT: Briefing Materials

Attached are the briefing charts for your January 19th meeting with Mike Lyle regarding current records management issues with the National Archives and Records Administration. For your convenience, we have also included some background materials that may be helpful.



E 3380a



Current Records Management Issues

Briefing for Beth Nolan
Counsel to the President

Michael J. Lyle, Director
Jack Young, General Counsel
Kate Anderson, Assistant General Counsel

January 18, 2000

Current Records Management Issues

- GRS xx - Information Technology Operations and Management Records
- Mail2 Configuration Issue
- Letter “D” Configuration Issue

Public Citizen v. Carlin et al

- 1993 - D.C. Court of Appeals issues decision in *Armstrong v. EOP* holding that e-mail constitutes federal records
- 1995 - Carlin issues e-mail regulation requiring agencies to appropriately preserve and dispose of e-mail, and GRS 20 authorizing agencies to delete electronic copies of e-mail and word processing documents after they have been copied to an appropriate record-keeping system
- 1996 - Public Citizen files lawsuit challenging the Archivist's authority to issue GRS 20
- 1997 - District Court Judge Friedman issues declaratory judgment declaring GRS 20 to be 'null and void,' finding that the Archivist lacks the authority to issue government-wide schedule for disposing of "live" copies of e-mail and word processing documents and must make agency-by-agency determinations; Carlin tasks interagency working group to review GRS 20 and develop recommendations for its replacement
- 1998 - DOJ appeals
- 1999 - In response to the working group's recommendation, Archivist issues Bulletin 99-04 which requires agencies to revise their schedules to address electronic versions of e-mail and word processing documents; DC Circuit Court of Appeals reverses the District Court and upholds GRS 20; Public Citizen files petition for writ of certiorari; during November agency-wide meeting, overwhelming majority of agencies (19-3) vote to reinstate GRS 20, suspend 99-04, and continue dialogue; in December NARA issues new guidance suspending 99-04.

GRS xx - Information Technology Operations and Management Records

- GRS xx was drafted to replace GRS 20 after the District Court determined GRS 20 to be 'null and void'
- GRS xx duplicates coverage provided to program records under agency-specific records schedules and/or administrative records provided by existing general records schedules, including GRS 20
- GRS xx fails to address operational constraints
- GRS xx is ambiguous
- GRS xx needlessly requires agencies to retain separate record in IT operations and management file in addition to those already retained in program and administrative files
- Retention periods are too long, e.g., passwords, user ID's and profiles for 3 years
- GRS xx takes away the necessary discretion and flexibility previously afforded to agencies by GRS 20 and interferes with their IT missions (dispose of 3 yrs. after close of file vs.. delete/destroy when no longer needed for administrative, legal, audit, or other operational use)
- In light of our recent victory in *Carlin*, OA believes GRS xx is both unnecessary and overly burdensome

Mail2 Issue

- Due to human error when PRC was creating accounts in 8/96, some lotus notes e-mail for users on Mail2 were not records managed in ARMS; the problem was discovered in 11/98
- 526 total users affected
 - WHO - 464
 - OPD - 58
 - OA - 4
- E-mail within EOP and outgoing e-mail not affected
- Types of e-mail traffic affected
 - Incoming Internet e-mail
 - Delivery reports (confirmation notification messages)
 - Non-delivery reports (failure messages)
 - Return receipts
 - Return non-receipts
 - Trace reports
- Total volume of records is not known; ROM from contractor to reconstruct is \$600K

Letter “D” Anomaly

- During the configuration of the LN/ARMS test environment, it was discovered that due to a configuration error made by NG, user’s accounts with first names beginning with the letter “D” have not been records managed via ARMS since November of 1998
- Approximately 200 users from all EOP components were affected, including 42 WHO users
- Isolated to incoming non-Notes mail
- The configuration error has since been corrected, but unrecorded messages may have to be recovered pursuant to the Federal Records Act
- Plan to negotiate with NG to have them reconstruct the records at no cost to the Government

Mr. LYLE. I'm sorry, Mr. Barr?

Mr. BARR. Turn if you would, please, to exhibit 6. It's my understanding that exhibit 6 is a set of briefing papers that you circulated at a meeting in January of this year with Beth Nolan, counsel of the President; is that correct?

Mr. LYLE. I believe this was circulated—if you look at the top, it was provided by—on January 13th by Kate Anderson to Beth Nolan.

Mr. BARR. This was a paper that was circulated at that meeting?

Mr. LYLE. Yes. It was used at this meeting, yes, sir.

Mr. BARR. Did Ms. Nolan at that time ask how these problems, that is, the Mail2 and letter D problems, affected subpoena compliance or compliance with subpoenas?

Mr. LYLE. In the course of the discussions of these anomalies, Ms. Nolan asked something along the lines—I'm paraphrasing when I say this—but something along the lines how would this affect a prior search relative to a subpoena? Something in that—as I recall it—in that area.

Mr. BARR. What was your response to her inquiry?

Mr. LYLE. I said that the issue was—relative to the subpoena, the question that she was asking had been dealt with prior by Mr. Lindsay and Mr. Ruff and that I didn't know the extent of what those discussions were because I wasn't there or privy to them.

Mr. BARR. Was that the end of that discussion?

Mr. LYLE. No. Relative to the question about subpoena or about the briefing?

Mr. BARR. Subpoenas.

Mr. LYLE. I believe that we offered to check with Mr. Lindsay. I believe that was something that Kate Anderson had said to check with him on did he in fact have that discussion with Mr. Ruff.

Mr. BARR. What followup did you undertake?

Mr. LYLE. After the meeting, Kate Anderson and I went to meet with Mr. Lindsay.

Mr. BARR. Who did?

Mr. LYLE. Kate Anderson and myself, Catherine Anderson, went and met with Mr. Lindsay and confirmed that he, in fact, handled that with Mr. Ruff prior.

Mr. BARR. What you mean by that is Mr. Lindsay, I presume—I don't want to put words in your mouth—assured you that the matter had been handled?

Mr. LYLE. Yes, that he had had discussions with Mr. Ruff relative to the anomaly.

Mr. BARR. Do you know anything further about those discussions between Mr. Lindsay and Mr. Ruff?

Mr. LYLE. No, sir, I do not.

Mr. BARR. Did he relate any details of it to you?

Mr. LYLE. No.

Mr. BARR. You left satisfied that it had been taken care of?

Mr. LYLE. Yes.

Mr. BARR. One of the problems I see here, Mr. Chairman—and these two lines of questioning are related—you can have a subpoena, Mr. Chairman, and as counsel knows, certainly, come in asking comprehensively for all documents and records and exhibits and so forth; and what we're seeing here is if you pull different—

the same information out in different formats, you get somewhat different information. Now, it can be explained in a way so that maybe it has the same stuff, but, of course, as the chairman knows and as the counsel knows, there can be very important subtle differences simply by the way information is formatted, the way it is punctuated, the way it is broken, the way it is highlighted and so forth.

This also goes to, I think, your concern expressed earlier, Mr. Chairman, that if a subpoena comes in and only partial information is returned, that can create a problem.

Whether or not that's obstruction certainly is something that the authorities would want to look into. Even Mr. Waxman indicated that certainly if there has been obstruction, he would want to look into it.

These are the sort of nagging questions that I think are very relative to this committee, to you, Mr. Chairman, probably to the independent counsel as well and certainly would have been relevant to us in our impeachment inquiry asking for full, accurate, complete information. If we were getting, as now is obvious, at best only one version of information and there are other versions still out there, that raises some very, very substantial questions in my mind as a former prosecutor and as a member of this and the Judiciary Committee which I think are shared by the chairman and the counsel.

Mr. BURTON. The gentleman yields back the balance of his time?

Mr. BARR. Yes, Mr. Chairman.

Mr. BURTON. Mr. Waxman does not have any questions. Counsel has 20 minutes on his time, and Mr. Shays said he would like the counsel to continue questioning for a while. Counsel.

Mr. WILSON. I'm going to go into a new, slightly different area of questioning; and let me tell you what it is before we go there so you understand.

We discussed your memorandum earlier, the sleeping dog or the e-mail, the sleeping dogs lie e-mail; and you explained this pertained to information requests. Well, there are other documents we have, and I'm going to ask both Mr. Lyle and Mr. Heissner about them, where it seems that there were indications about this problem—the problem being the e-mail problem—and the information was taken out of documents—and from our perspective—and I want you to help me work through this—it seems that when information is taken out of a document, whether it's a briefing material or some type of memorandum for a superior, then that makes it difficult to move forward with a solution to the problem.

Now, Mr. Lyle, if you would please take a look at exhibit 84 in the book in front of you. It's an e-mail from yourself to Joseph Kouba. My understanding, Mr. Kouba is a budget person at the Office of Administration.

Now, in this e-mail you say—it's very short, very succinct—Joe, please correct the budget materials re OA by removing the bullet point relating to Mail2 reconstruction. You came in for an interview last week, and you explained to us why you sent this e-mail,

and your explanation was you wanted the bullet point removed because it was incorrect. I don't want to spend a lot of time on this, but I want to ask you, instead of removing the bullet point, why didn't you correct the bullet point? Why didn't you make the information accurate?

[Exhibit 84 follows:]

570

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Michael J. Lyle (CN=Michael J. Lyle/)

CREATION DATE/TIME: 19-MAR-1999 16:11:57.00

SUBJECT: :

TO: Joseph G. Kouba (CN=Joseph G. Kouba/)
READ: UNKNOWN

TEXT:

Joe--please correct the budget materials re OA by removing the bullet point relating to Mail 2 Reconstruction. Thanks---Mike

E 3911



Mr. LYLE. Let me explain to you, give you a context so that you understand what this was.

This is a series of e-mails that occurred in connection with an internal presentation that the Budget Financial Management Division was preparing for the assistant to the President for Management and Administration. On a periodic basis Financial Management Division professionals would brief the assistant to the President for Management and Administration with respect to the Executive Office of the President accounts, each appropriation that exists within them, the burn rate in terms of the funds that are available, what the expenditures are.

With respect to the Office of Administration's appropriation, an e-mail was sent around by Mr. Kouba, who is one of our budget folks in the Financial Management Division, very hard-working individual, and he had included in there a discussion, a possible bullet point for the assistant to the President that said—it was relative to the Armstrong Resolution Account. That Armstrong Resolution Account is the funding source that is used with respect to the Automated Records Management System.

Mr. WILSON. Let me just get to my question. I don't have an awful lot of time.

The question is that somebody wanted to communicate something about the e-mail problem. Mr. Kouba did, and Mr. Kouba is not here. We'll talk to him at a later date. He wanted to communicate something. You thought what he was communicating was wrong, but nevertheless he wanted to communicate something about the e-mail problem. And your response—rather than saying, why don't you correct your bullet point because it's wrong, your response was, why don't you delete the bullet point. So it seems like you had opted to delete instead of disclose the information.

I want to move on to another document.

Mr. LYLE. The reason I instructed that is because it was flat-out wrong. And there was no—in other words, I didn't want to leave anything in—a briefing to the assistant of the President for Management and Administration that came out of my office or folks from my office that had incorrect information. The best way to eliminate any confusion about it is to say it's wrong—and correct it. Simple as that. That's why I did it. That's how you correct this information. That's how I corrected it. Made perfect sense to do so because it was wrong.

Mr. WILSON. I understand. I understand your concern, but our concern is that there's a document here that talked about the e-mail problem. You had an opportunity to communicate something, and you chose to do what you did. I understand why you did what you did.

Mr. LYLE. Mr. Wilson, that information was an internal document between my office—my agency at the time. I was the general counsel. But my agency and the assistant to the President, Virginia Apuzzo—and it was in the context of a briefing for that budget preparation. She was aware of the e-Mail2 anomaly, as you know. So what we were correcting was incorrect information because it stated a conclusion that was flat-out incorrect.

Mr. WILSON. Is it fair to say the ultimate document had no reference to the Mail2 problem in it at all? The ultimate document that was prepared had no reference to the Mail2 problem at all?

Mr. LYLE. Correctly so. That it should not have any—there should be no indication in the Armstrong Resolution Account relative to e-Mail2, which, by the way, is a conclusion that our appropriators have acknowledged and agree with in a correspondence that we just received to them in connection with our request to use funds to do an e-Mail2 reconstruction out of the Armstrong Resolution Account.

Mr. BURTON. Let me interrupt, because I'm not sure I understand this. When the White House went to the appropriators to ask for funding, they did not ask for any money to correct the e-mail problem; is that correct?

Mr. LYLE. No, sir. On March 20, we requested—

Mr. BURTON. March 20 of when?

Mr. LYLE. March 20, 2000.

Mr. BURTON. I'm talking prior to that.

Mr. LYLE. Prior to March 20, 2000, I'm not aware of any.

Mr. BURTON. We're talking about the problem occurring back in September 1996, and it was discovered in 1998. Did anybody ask for any money to correct the e-mail problem or to go through and reconstruct everything and bring it up to date? Not starting there and going forward but going back to 1996 and getting all the information that was relevant to all these investigations, getting to the Congress, did anybody ask for money for that?

Mr. LYLE. There were two components to the e-mail, two anomalies. There was the first component which you have been talking about which was the—

Mr. BURTON. I just need a yes or no answer. In 1998 or thereabouts, did they ask for the money to reconstruct all the e-mails instead of starting there and going forward? Did they ask for the money to go back and correct several hundred thousand e-mails that were missing?

Mr. LYLE. The portion of the problem that was corrected in November 1998, did not require additional funds. That was stopped. In other words, the Armstrong failure to capture—

Mr. BURTON. So they did not ask for any money to go back and to get those e-mails that had been missed since September 1996?

Mr. LYLE. You're talking about the reconstruction from the back-up tapes?

Mr. BURTON. Yes.

Mr. LYLE. The first request that I'm aware of was by Mr. Lindsay in March 20, 2000, where he asked—

Mr. BURTON. That answers my question. They did not ask for money to reconstruct that prior to the year 2000?

Mr. LYLE. That's correct.

Mr. BURTON. Thank you.

Mr. WILSON. Mr. Heissner, I wanted to ask you about a different document. Again, I just don't want to come out of the blue on this issue. I'll explain to you what my thinking is, and hopefully you can help us—you can educate us here. Let me explain the issue first, and then you'll have an opportunity to review it.

From our perspective, there seems to be a simple proposition. Either the White House had the money and the personnel to fix the problem and it simply decided to ignore the problem or the White House didn't have the money or didn't have the personnel and it chose not to take steps necessary to get help.

Now, a couple of weeks ago one of your former colleagues Paulette Cichon was asked, if the Office of Administration didn't have the money and it didn't have the personnel, how can it fix the e-mail problem; and her answer was very, very constructive. She said, we couldn't do it. Now, that's easy for us to understand. If they didn't have the money and they didn't have the people, they couldn't fix the problem. It seems to us—and I'll get to this document in a moment—if you needed help to solve the problem and if you didn't ask for help to solve the problem, the only possible explanations are that you didn't want to solve the problem.

Now, if you would please take a look at exhibit No. 94 in the book in front of you. Now, here we have what appears to be a forwarded e-mail from you to another Office of Administration employee named Christa Moyle. It's dated February 24, 1999. So it's fairly close to the beginning of 1999, again about 6 months after the problem was first identified.

The subject line of the e-mail is draft hearing preparation paper. When you read this e-mail, it appears to us that someone was trying to inform Congress of the e-mail problem. Now, in this e-mail you have two versions of a bullet point about the Mail2 problem. One is labeled current version; and the other is labeled, quote, more nearly accurate version. So the initial question here is, did you draft the more nearly accurate version, the Mail2 bullet point in this document?

[Exhibit 94 follows:]

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Christa Moyle (CN=Christa Moyle/[REDACTED])

CREATION DATE/TIME:24-FEB-1999 13:04:54.00

SUBJECT:: Re: Draft Hearing Preparation Paper

TO:Adam F. Greenstone (CN=Adam F. Greenstone/[REDACTED])
 READ:UNKNOWN

TEXT:
 ----- Forwarded by Christa Moyle/[REDACTED] on 02/24/99 01:05 PM -----

Karl H. Heissner
 02/24/99 12:00:05 PM
 Record Type: --- Record

To: Christa Moyle/[REDACTED]
 cc:
 bcc:
 Subject: Re: Draft Hearing Preparation Paper

Current Version:

Mail 2 Reconstruction--Due to a technical anomaly (user identifications hand keyed into the E-mail system as all capitals), some White House and OPD e-mail was not captured in ARMS. Reconstruction has begun through periodic backup tapes. The estimated cost for this project is \$602,000.

More Nearly Accurate Version:

Mail 2 Reconstruction--Due to a technical anomaly (user identifications hand keyed into the E-mail system as all capitals), some White House and OPD e-mail was not captured in ARMS. The data not captured may still exist on server backup tapes taken periodically during the period when ARMS capture was not working properly. One estimate received for the development of a system to reconstruct uncaptured e-mail is about \$600,000. The cost estimate for the actual record recovery is expected at completion of the development of the reconstruction system.

[Current Status: Awaiting funding and management decision to proceed.]

E 3946



Mr. HEISSNER. Yes, sir, I did.

Mr. WILSON. That was something you prepared?

Mr. HEISSNER. Correct.

Mr. WILSON. I'd like to go over to exhibit 134, if I can, please. It's a multiple page document. It appears to be a draft hearing preparation paper. It says draft at the top.

The date is February 24, 1999. So, again, early 1994, but it's dated the same day that you drafted the more nearly accurate version message in the e-mail we looked at a moment ago.

What I'd really like you to do, if you would, please, is look at the very bottom of page 4 and the top of page 5. Now, there's a bullet point in this draft document. It's a hearing preparation paper, and it's got an underlined heading. It says, Mail2 reconstruction; and the interesting point from our perspective is that it's crossed out. There's a wavy line that goes through the entire bullet point. Now, apparently, it was crossed out by Catherine Anderson, who is a lawyer in the Office of Administration.

Now, I guess the first thing I want to ask you is, is this the language that you drafted in the e-mail where you wrote "More Nearly Accurate Version?"

[Exhibit 134 follows:]

* * * DRAFT 2/24/99 (pm) * * *

*Robert
Cammuto*

ISSUE: INFORMATION TECHNOLOGY

KEY AREAS/CONCEPTS:

- Information Technology Architecture (ITA): An evolving plan covering all functional information technology activities to achieve the missions of the EOP's agencies, the system elements to perform each of those functions, and the designation of the performance levels for those system elements.
- ITA is responsive to the Clinger-Cohen Act (or ITMRA, Information Technology Management Reform Act of 1996"), which assigns agencies the responsibility of "developing, maintaining and facilitating the implementation of a sound and integrated information technology architecture."
- Method of ITA: Actively engage all EOP agencies in the development and execution of the plan to synergize unique agency-specific IT goals with those of the enterprise. At present, we are working to update the February 1998 version of our ITA to synchronize it with the draft Federal Enterprise Architecture Framework recently distributed by the CIO Council.
- Information Technology Management Team (ITMT): Established in 1997 as the EOP-wide board for coordination of planning and budgeting for common IT activities. ITMT is at the core of our Information Technology Architecture (ITA). ITMT is also the locus of activity for IT business improvements, including, during the next year:
 - ▶ Business studies where automation can enhance the services provided to the President and the American public.
 - ▶ Continued customer driven assessment in the six core areas: 1) Help Desk, 2) common software, 3) electronic document management, 4) on the road trip package, 5) Internet/Intranet strategy, and 6) telecommunications.

E 4392



* * * DRAFT 2/24/99 (pm) * * *

2

- **Capital Investment Plan (CIP):** Includes the essential investments for modernizing the EOP environment to meet the needs of the President, his staff, and the technological needs of the American People.
- **IS&T Leadership:** The Associate Director for Information Systems and Technology, Dorothy E. Cleal, is the focal point for EOPY2K policies, and heads the IS&T management team which will implement Y2K to completion.
- **What we will be doing with the CIP in FY 2000:¹**
 - Network Infrastructure--higher capacity, will prevent crashes.
\$ 4.7 million
 - Internet Infrastructure--to meet growth in e-mail and web applications, and provide better security.
\$ 715,000
 - Financial Systems--will enhance budget development and financial management.
\$ 1.1 million
 - Roll-out and Test Equipment--will enhance software development.
\$ 500,000
 - Mainframe Printers--will ensure capacity for overnight printing during OMB budget season.
\$ 500,000
 - ITA Initiatives--will provide enhanced electronic infrastructure (such as electronic forms and desktop teleconferencing).
\$ 1 million
 - Planning for FY2001 Projects--orderly analysis of FY2001 needs.

¹Figures of over \$ 1 million are rounded to the nearest \$100,000.

* * * DRAFT 2/24/99 (pm) * * *

3

\$ 175,000

Y2K Implementation:

Per OA's Y2K management strategy, four remaining phases of Y2K implementation: 1) Assessment, 2) Renovation, 3) Validation, 4) Implementation.² 60 (out of 68) mission critical systems require serious renovation. Projected Y2K compliance schedule is:

- 50% compliant by June 1999
- 75% compliant by August 1999
- 100% compliant by October 1999

Mission Critical System Highlights:

- 14 systems implemented by March 31, including 8 OMB software systems and the Enterprise Server Platform.
- The voice mail system will be compliant by March 31. The telephone system is already Y2K implemented, ~~validation~~ *testing* is being conducted this month.
- The Enterprise Server will be in the implementation phase by March 31. Cost: \$719,500.
- 95% of the EOP's 2,300 PC's will be in the implementation phase by March 31; 100% by June 30.
- The new version of Federal FAMIS (Financial Accounting Management Information System), which is in the Y2K implementation phase, will be completed by July 31, and activated by October 1, 1999. FY99 Funding: \$1,215,720
- GSA has Y2K implemented all facility systems on the Complex, and is

²The first phase, which we have completed, was the Awareness phase.

* * * DRAFT 2/24/99 (pm) * * *

4

now reviewing its systems at the Remote Delivery Site (RDS).

Partnership with the Department of Transportation (DOT) to use DOT test plans, reports, IV&V data will accelerate implementation. This is a business strategy to ensure we are not reinventing the wheel.

Contingency Plans:

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- Mail 2 Reconstruction--Due to a technical anomaly (user identifications hand

* * * DRAFT 2/24/99 (pm) * * *

5

keyed into the E-mail system as all capitals), some White House and OPD e-mail was not captured in ARMS. The data not captured may still exist on server backup tapes taken periodically during the period of the problem. One estimate received for the development of a system to reconstruct uncaptured e-mail is \$602,000. The cost estimate for the actual record recovery is expected at completion of the development of the reconstruction system.

- All-in-One E-Mail Reconstruction--Pursuant to the Armstrong litigation. 75% complete. Last 25% to be completed by the end of fiscal 1999. Cost so far is \$4.5 million. Estimated further cost for completion is \$650,000.
- Disaster Recovery Plan--Required by OMB Circular A130 to ensure that an organization which may experience a disaster event has documented processes and procedures to quickly reestablish critical services. OA will complete its update of this plan in May 1999. Disaster recovery has been earmarked at \$285,000 in the FY99 budget. A purchase order of over \$160,000 has been issued to produce the plan.

Mr. HEISSNER. It seems to be the contents or paraphrased, perhaps slightly modified version of the information I provided in the more nearly accurate version of the February 24 e-mail.

Mr. WILSON. We appreciate the fact that you provided accurate information in a paper that was for draft hearing purposes. What we see is something that's crossed out. Do you know whether this section was removed because someone did not want Congress to know about the e-mail problem?

Mr. HEISSNER. I don't know anything about this. This is the first time I've seen this document, sir.

Mr. WILSON. It's fair to characterize you wrote something that you thought was accurate, it was put in a briefing paper document—and I'm not saying you have to have contemporaneous knowledge of this, but you're looking at something now that's removed, and you have no further knowledge about it than that; is that correct?

Mr. HEISSNER. That's correct, sir.

Mr. BURTON. Who is this draft memo to?

Mr. ZWERLING. Can you identify it by a number?

Mr. BURTON. The one we were just talking about.

Mr. ZWERLING. The one he's never seen or the one he made?

Mr. BURTON. The one that has the crossed-out part.

Mr. HEISSNER. Exhibit 134, I don't know. It is not clear from this document to whom it is written.

Mr. WILSON. Our understanding, it was a memorandum prepared in anticipation of congressional hearings. Do you have any reason to know that that's not correct?

Mr. HEISSNER. That seems a very reasonable assumption, sir.

Mr. BURTON. But to whom would it be addressed? Who would this go to? It wouldn't just go in a dead letter file. Who would it go to?

Mr. HEISSNER. I don't know. Again, this is the first time I've seen this. Normally, I'm not privy to documentation——

Mr. BURTON. But you prepared this document, you said.

Mr. HEISSNER. I prepared one paragraph, sir. Just that one item at the very end. It includes text I prepared in an e-mail.

Mr. WILSON. Mr. Lyle, do you know whether this was a document prepared in advance of hearing?

Mr. LYLE. Yes, it was. It's a draft document.

Mr. WILSON. Do you know whether the final version of this document ended up with no reference whatsoever to the Mail2 reconstruction problem?

Mr. LYLE. To answer your question, Chairman Burton, this would be used to prepare the director of the Office of Administration to testify for the Appropriations Committee, which at the time was Mr. Lindsay who was fully aware of this e-Mail2 anomaly that is included in this draft. And to answer your question, the final version did not contain reference to the e-Mail2 reconstruction.

Mr. BURTON. The crossed-out paragraph there was not in the final version. Who prepared the final version?

Mr. LYLE. The final version was prepared jointly by me and my staff in preparation for inclusion in a book.

Mr. BURTON. Why was that paragraph left out?

Mr. LYLE. The reason the paragraph was left out is because the information that's being included was in preparation for the fiscal year 2000 appropriations hearing which occurred in 1999; and the issues in this paper, if you look through it, discuss either ongoing projects or the future requests for funding that we would be seeking from the appropriators, the Office of Administration.

Mr. BURTON. Why was that paragraph on the e-mails left out?

Mr. LYLE. Because the request for appropriations was not going to be requesting funds for the e-Mail2 reconstruction.

Mr. BURTON. Why?

Mr. LYLE. Because a decision was made that the project had to be deferred in view of the Y2K crisis.

Mr. BURTON. But Congress had submitted subpoenas for these documents as well as the independent counsels and Justice Department and everybody else. So you're saying action was deferred intentionally because of the Y2K problem?

Mr. LYLE. No, sir, absolutely not. As I said earlier, the people in the Office of Administration, myself and my staff, were unaware of any issues in terms of the subpoena compliance one way or another. Those communications had taken place earlier. We were working without any indication one way or another that there was any issue relative to the subpoena compliance.

Mr. BURTON. Mr. Heissner who put that in there, he was aware of some subpoenas. He said that earlier in his testimony. He put that paragraph in. Didn't you ask him why he put that paragraph in?

Mr. LYLE. I wasn't aware that Mr. Heissner put the paragraph in, but I can tell you that in terms of what I believe Mr. Heissner said earlier that he wasn't aware of what goes on in terms of the subpoena compliance, as I said before, issues relative to subpoena compliance are handled in the White House counsel's office. We provide information on those.

Mr. WILSON. Mr. Lyle, when we interviewed you last week, we asked you why no one informed appropriators, congressional appropriators before March 2000. This was your answer, and we wrote it down verbatim. This is the quote. When you go to appropriators, they ask a lot of questions. Let me read that again, because that is the verbatim quote. When you go to appropriators, they ask a lot of questions. Now, we didn't followup. I admit we were amiss.

First of all, what's wrong with appropriators asking a lot of questions?

Mr. LYLE. I don't know what context you are referring to.

Mr. WILSON. We're talking about a question put before you to as to why before March 2000, nobody asked appropriators for money.

Mr. LYLE. Can you show me the question and then my answer?

Mr. WILSON. We can go back to you. We'll can put that to you in the form of a letter and go back at that point. But I will ask this question. Why not—this is a question. We legitimately want you to help us.

Mr. LYLE. And I am endeavoring to help you.

Mr. WILSON. Why did you not look upon congressional testimony as an opportunity to tell Congress about this issue and inform them of the problems you faced, the money and personnel that you

needed, and simply to tell Congress what the state of play was on this matter?

We've got documents where bullet points are getting removed. They are not going up the chain of command to people higher. From our perspective, and this is what we're trying to work through, it appears that you had an opportunity—and I know Mr. Barry wanted somebody to move forward, and Mr. Heissner appears to have done the right thing, and he's drafted the bullet point that got crossed out. It looks like a lot of the people were trying to do the right thing in the Office of Administration. Good career people were trying to do the right thing. And our simple question is, why did you not think this is an opportunity; I can go and get help?

Mr. LYLE. I'm sorry, I don't understand your question.

Mr. WILSON. All right. Let me try it again.

You're going to go before Congress. You're going to go before congressional appropriators. You had a problem. You had people who wanted to fix the problem. You had Mark Lindsay that said it was a priority of his, a first priority to fix this problem. You had people that knew that unless you had money and unless you had people to work on this problem, you weren't going to move forward. So why didn't you think this is a good opportunity as a public servant, as a lawyer, an officer of the court, I can go to Congress. I can tell them about this problem. I can make myself right with the law. I can get help, and then we'll be able to fix the problem.

Mr. LYLE. You have to look at the context at the time in terms of what was happening in the Executive Office of the President. There were a lot of things that you said in your preparatory statements—

Mr. WILSON. You could have given Congress the context.

Mr. LYLE. Do you want me to answer that question or the question you asked before? Which question?

Mr. WILSON. Please continue. Please answer the first question, and then I'll ask the second question.

Mr. LYLE. The context that the Office of Administration was in at the time was the Y2K crisis that I discussed with you at length during our interview. That project was the No. 1 priority. It wasn't just the No. 1 priority within the Executive Office of the President. It was the No. 1 priority governmentwide in terms of information technology, nationwide and worldwide.

I don't think there's any dispute about that the Executive Office of the President's computer system was in antiquated condition and it needed to be taken from that state into a modernized, Y2K-compliant system. That was the No. 1 priority that our appropriators—and I believe this committee—Mr. Horn, I believe, was also keenly interested in our progress on how we were doing.

As you will recall, the goal was for governmentwide compliance—

Mr. BURTON. Why didn't you at least put it in there and at least bring it up before the appropriators? Why not at least tell the appropriators we've got this problem? Y2K is a priority, but this is a problem because Congress has subpoenaed documents, the independent counsel has, the Justice Department has, and we can't get

this without additional personnel and money. Why didn't you just at least bring it up instead of crossing it out?

Mr. LYLE. I understand, Mr. Burton. Again, the Office of Administration people and myself were operating without any knowledge of any concerns or issues relative to any subpoenas that this committee or any other—

Mr. BURTON. You knew about the e-mail problem.

Mr. LYLE. We knew that we had the back-up tapes, that they were secure.

Mr. BURTON. Why didn't you at least ask for the money and the personnel to solve that problem even though you had the Y2K problem?

Mr. LYLE. Again, as I explained to Mr. Kolbe, our appropriators—and as I said earlier, the Y2K issue was the top priority—

Mr. BURTON. I understand that. But you could have also put this in there. There wasn't one or the other. Why was it taken out?

Mr. LYLE. The project e-Mail2 reconstruction project had to be deferred, like a variety of other non-Y2K projects, because we had limited resources available to solve the No. 1 crisis facing—

Mr. BURTON. Doesn't Congress have a role to play in the decisionmaking process of what priorities are? You were supposed to go before Congress and tell them what the problems were. Y2K was a problem. The e-mail was a problem, but you didn't even mention that. Why?

Mr. LYLE. The Congress is certainly on a variety of issues a place where we go, and we have a very good relationship that we forged with our appropriators. The request was submitted on March 20, 2000.

Mr. BURTON. Why didn't you ask? Why didn't you have that in there?

Mr. LYLE. Because of the Y2K problem.

Mr. WILSON. Mr. Heissner, if I may go back to you for just a moment. If you go to exhibit 94 again, it's the exhibit we were looking at a moment ago, the e-mail from yourself to Christa Moyle. Down the bottom of the page, the very bottom, it says, current status. And it says, and I quote, awaiting funding and management decision to proceed. Is it fair to say—is it correct to say that the management decision and the funding decision was finally made in February and March 2000? You didn't have any decision in 1998 or 1999? Is that fair?

Mr. HEISSNER. That's correct, sir.

Mr. BURTON. Your time has expired. We'll try to get back to those questions. Mr. Waxman's time now.

Mr. WAXMAN. Mr. Chairman, we'll take our half-hour of counsel time on this side. I want to yield to Mr. Schiliro.

Mr. SCHILIRO. If I were watching this on TV, Mr. Lyle and Mr. Heissner, I'd be confused because there seem to be conversations about the same problem but two separate applications. We have one e-mail problem where, in the ARMS Lotus interface, a number of e-mails were not captured by this system. As I understood Mr. Lindsay's testimony in a previous hearing, it was a priority for him to fix that prospectively. That was not your responsibility, was it, Mr. Heissner, to do the actual repair of the interface problem?

Mr. HEISSNER. That's correct, sir.

Mr. SCHILIRO. That was a responsibility of the Northrop Grumman employees. So counsel was asking you questions before about whether Mr. Lindsay talked with you about that because that was a priority of Mr. Lindsay's to fix it, but it would not have made any sense for Mr. Lindsay to talk with you about fixing that problem prospectively because that was not your responsibility.

Mr. HEISSNER. That's correct.

Mr. SCHILIRO. When we look at the missing e-mails, we're really looking at two different issues. Mr. Lyle referred to this. There's a subpoena issue where e-mails were not produced in response to subpoenas, and then there's the issue you focus on which is the archival responsibility. And is that why you wrote what you referred to before as Exhibit 92 and counsel referred to as Exhibit 94?

Mr. HEISSNER. I believe the intent of the nearly more accurate version was describe the status of the Mail2 reconstruction, the reconstruction of mail non-records managed e-mail that was still residing on tapes but had not been recovered and put into narrative.

Mr. SCHILIRO. But your focus was not on that issue in response to subpoenas. Your focus was because there was an archival responsibility to reconstruct these tapes at some point?

Mr. HEISSNER. That's correct.

Mr. SCHILIRO. So when the chairman had and others had been asking you questions about subpoenas, that wasn't in your mind at all at that point. You just had a responsibility to make sure the archives were correct for the future?

Mr. HEISSNER. That's correct. The responsibilities had to do with the technical issues in, No. 1, assuring that all the tapes were maintained; No. 2, getting a system designed that would enable the recovery of these records; and, No. 3, to perform the recovery eventually.

Mr. SCHILIRO. It would not have even have been within your responsibility to be concerned with subpoenas when it came to this issue?

Mr. HEISSNER. My responsibility with respect to subpoenas was to respond to them as I received them.

Mr. SCHILIRO. So again in the context of reconstructing the missing e-mails, it was not presented to you in the context of responding to previous subpoenas?

Mr. HEISSNER. That's absolutely correct, sir.

Mr. SCHILIRO. When you wrote that e-mail and then it got picked up in a briefing memo—but your responsibility in writing the e-mail was not to inform Congress; is that correct? You weren't told you're writing this because you have to inform Congress of the problem.

Mr. HEISSNER. No. The intention was to clearly state the problem as it existed.

The document that you're seeing, exhibit 94, is part of exhibit 92 and just shows the context in which this response took place. It seems that Ms. Moyle asked me to explain what Tony was talking about, and so this is the explanation I believe. On the E 3878, which is the second page of exhibit 92, Mr. Barry described the situation and gave the information, and I was asked to explain that.

Mr. SCHILIRO. Again, I don't want to be redundant, but the context of this was not for you to inform Congress or for anyone there

to inform Congress of a specific problem. It was for you to try to estimate how much it would cost to do this reconstruction for archival purposes?

Mr. HEISSNER. That's correct.

Mr. SCHILIRO. Mr. Lyle, is that your understanding as well?

There are really two buckets of issues here, subpoenas and archival issues, and that when you came on board, your understanding—and in fact it's the understanding I think that Mr. Lindsay had—is that missing e-mails had no relevance to subpoena problems because the White House counsel's office—Beth Nolan had testified to this at the last hearing—had run a test in June 1998. Pursuant to that test, they concluded the missing material had already been provided to the independent counsel, and so as far as they were concerned there wasn't missing information.

Your operative thinking then became not one of a subpoena problem in terms of compliance. You believed the problem was fixed prospectively, and so in 1999, when you looked at the appropriations process, the question you faced was the need to provide—do we need to ask Congress for money to fix the archival problem, not anything in relation to subpoenas and information we may not have produced.

Mr. LYLE. That's right. We were asking for funds in our budget submission for all kinds of—as I said, the Y2K issues.

That other aspect in terms of the e-Mail2 project was one that had to be deferred and it was only relative to, OK, we've got the back-up tapes. They are available. We've got them in our data center. They are secure for the anomaly.

The question then is, for purposes of our archiving for Federal records, for Presidential records, all of those purposes, that was the focus of the project. There were no issues in terms of subpoena compliance whatsoever that we were operating under, and it was in that vein that we viewed the project at that time, which is why it was deferred with a variety of the other non-Y2K projects and we focused all of our energy and efforts on the Y2K problem.

We had the back-up tapes secure in the data center, as I said, for the e-Mail2 anomaly and for the letter D anomaly; and now once Y2K had passed we were in a position to go to Congress and provide them with information about the cost associated with the reconstruction effort, possible contractors to do it, and how we were planning on proceeding which took our significant involvement from our information technology experts within the Office of Administration who had previously been dedicated to the Y2K problem. Now they were free to focus on the reconstruction project, which is exactly what we have been doing and are currently doing.

Mr. SCHILIRO. That would explain why that paragraph was crossed out of a briefing memo that you were asked about before?

Mr. LYLE. Exactly. Funding was not being requested at that time for the e-Mail2 reconstruction effort. We've asked for it in March of this year.

Mr. SCHILIRO. Without any of that explanation that you just provided or Mr. Heissner provided, if someone were just looking at the paper evidence we have, one could speculate, well, maybe something was happening here and people did not want Congress to

know because there's material crossed out. But neither of you were aware of any sentiment of doing that?

Mr. Heissner, you were never in a position where you felt you had an affirmative duty to inform Congress and someone came to you and said you could not do that and you had to keep this quiet?

Mr. HEISSNER. That's absolutely correct, sir.

Mr. SCHILIRO. You never heard any discussions in the White House, anybody in the halls talking about any effort to keep this quiet or keep it away from Congress?

Mr. LYLE. No.

Mr. WAXMAN. I'm pleased we got that clarification, because the chairman seemed very frustrated with the knowledge that we now have that some of those e-mails that had not been captured might not have been turned over to investigators, this committee and the independent counsel and other investigators. So he wanted to know why you didn't ask for this capturing of those past e-mails as a priority for funding. But your explanation is you didn't even know anything about past e-mails not having been—not made available to all the investigators.

Mr. LYLE. That's right. Those matters simply were not handled in the Office of Administration.

Mr. WAXMAN. Now, Mr. Lyle, I want to ask you some questions about these several versions of talking points, some of which are dated February 24, 1999, which were produced to our committee. These documents are numbered E 4382-4406. Could you explain to us the purpose of these talking points, who were they for and why were they prepared?

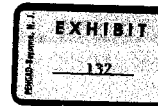
Mr. LYLE. Yes, sir. These are various drafts which you have marked in the book exhibit 132 it looks like through 134. These are draft documents that were prepared by the Office of the General Counsel and the Office of Administration in preparation for the director of the Office of Administration's testimony before our appropriators. It is various iterations, as you can see. It's for inclusion in materials that the director will review in preparation for his testimony.

In this particular case, the director of the Office of Administration at this time was Mark Lindsay; and these drafts were simply put together by me and my staff to prepare him for that testimony. These are internal documents. They are not documents that are intended to be conveyed in their form to Congress. They are to impart information to the director as best we could anticipate in terms of what he would need to testify. So these are internal documents, and what you see are the various considerations that went through until a final version was submitted for Mr. Lindsay.

[Exhibits 132 and 133 follow:]

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- Information Technology Architecture (ITA): An evolving plan covering all functional information technology activities to achieve the missions of the EOP's agencies, the system elements to perform each of those functions, and the designation of the performance levels for those system elements.
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- Method of ITA: Actively engage all EOP agencies in the development and execution of the plan to synergize unique agency-specific IT goals with those of the enterprise. At present, we are working to update the February 1998 version of our ITA to synchronize it with the draft Federal Enterprise Architecture Framework recently distributed by the CIO Council.
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E 4382

- Capital Investment Plan (CIP): Includes the essential investments for modernizing the EOP environment to meet the needs of the President, his staff, and the technological needs of the American People.
- IS&T Leadership: The Associate Director for Information Systems and Technology, Dorothy E. Cleal, is the focal point for EOPY2K policies, and heads the IS&T management team which will implement Y2K to completion.
- What we will be doing with the CIP in FY 2000¹
 - Network Infrastructure--higher capacity, will prevent crashes.
\$ 4.7 million
 - Internet Infrastructure--to meet growth in e-mail and web applications, and provide better security.
\$ 715,000
 - Financial Systems--will enhance budget development and financial management.
\$ 1.1 million
 - Roll-out and Test Equipment--will enhance software development.
\$ 500,000
 - Mainframe Printers--will ensure capacity for overnight printing during OMB budget season.
\$ 500,000
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\$ 1 million
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¹Figures of over \$ 1 million are rounded to the nearest \$100,000.

Y2K Implementation:

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- 75% compliant by August 1999
- 100% compliant by October 1999

Mission Critical System Highlights:

- 14 systems implemented by March 31, including 8 OMB software systems and the Enterprise Server Platform.
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- The new version of Federal FAMIS (Financial Accounting Management Information System), which is in the Y2K implementation phase, will be completed by July 31, and activated by October 1, 1999. FY99 Funding: \$1,215,720
- GSA has Y2K implemented all facility systems on the Complex, and is now reviewing its systems at the Remote Delivery Site (RDS).

²The first phase, which we have completed, was the Awareness phase.

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*Dallas comments
per phone*

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per Dallas

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now reviewing its systems at the Remote Delivery Site (RDS).

Partnership with the Department of Transportation (DOT) to use DOT test plans, reports, IV&V data will accelerate implementation. This is a business strategy to ensure we are not reinventing the wheel.

Contingency Plans:

- Contractual arrangement for on-site Y2K technical support from October 1999 through March 2000 will be finalized in mid-1999.
- OA is coordinating with WHCA for contingency support of telephone capability.
- The ITMT is working on agency specific Business Continuity of Operations Plans using the Social Security Administration as a model. Testing will begin by July 1999.

OTHER ISSUES:

- OMB Migration of Budget Applications: OMB is migrating its budget applications to a non-government computer center in New Jersey. Utilization of this new system will begin in the second half of 1999. OA will still provide OMB with extensive services to support production of the President's budget, including mini-computer capabilities, programming, systems support, networking, printing, and output distribution.
- Enterprise Server: Replaces old mainframe. Final testing and verification are underway. Expected to be fully operational by March 31, 1999.
- Electronic Search Requests: During calendar year 1998, IS&T performed 33 electronic records searches for congressional, independent counsel, and FOIA requests. Annual cost for system maintenance and searching is estimated at over \$1.5 million. Approximately 500,000 e-mail records are added each month.
- Mail 2 Reconstruction--Due to a technical anomaly (user identifications hand

* * * DRAFT 2/24/99 (pm) * * *

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keyed into the E-mail system as all capitals), some White House and OPD e-mail was not captured in ARMS. The data not captured may still exist on server backup tapes taken periodically during the period of the problem. One estimate received for the development of a system to reconstruct uncaptured e-mail is \$602,000. The cost estimate for the actual record recovery is expected at completion of the development of the reconstruction system.

- All-in-One E-Mail Reconstruction--Pursuant to the Armstrong litigation. 75% complete. Last 25% to be completed by the end of fiscal 1999. Cost so far is \$4.5 million. Estimated further cost for completion is \$650,000.
- Disaster Recovery Plan--Required by OMB Circular A130 to ensure that an organization which may experience a disaster event has documented processes and procedures to quickly reestablish critical services. OA will complete its update of this plan in May 1999. Disaster recovery has been earmarked at \$285,000 in the FY99 budget. A purchase order of over \$160,000 has been issued to produce the plan.

Mr. WAXMAN. These are talking points not for the Congress, not to be put into the public record at a hearing by the Congress but simply to inform Mr. Lindsay of the different issues when he goes before the appropriations committee and asks them to continue to fund for the next fiscal year the activities of the Office of Administration?

Mr. LYLE. That's quite right. The focus, as you can see in reading these, is the appropriations before him at the time, the fiscal year 2000.

Mr. WAXMAN. There are several different drafts of the talking points. Were you involved in drafting the talking points?

Mr. LYLE. I have no memory of reviewing these at the time—around this time that they were being drafted in the March—I'm sorry, in the February 1999, timeframe, but I have seen them since then in connection with producing documents here for this committee.

Mr. WAXMAN. Do you have any personal knowledge of how the talking points were prepared?

Mr. LYLE. No, I do not. I should say I know they were prepared by my staff, that they gathered information from a group of—a variety of materials that were provided by the Information Systems and Technology branch within the Office of Administration and that the information—the concepts and the bullet points that were provided focused, as you can see, on the capital improvement—capital investment program or plan and then also on the Y2K implementation which was the main thrust of where we were at that particular time.

Mr. WAXMAN. Have you had any subsequent conversations with Office of Administration or OA personnel about the drafting of these talking points?

Mr. LYLE. Subsequent to?

Mr. WAXMAN. The time they were given to Mr. Lindsay.

Mr. LYLE. The final draft would be the one that would be given to Mr. Lindsay. I was shown these in connection with a document production that was being done for this committee, and I had conversations with my staff in the context of those at that time.

Mr. WAXMAN. One draft numbered E 4392 through E 4396 is labeled Kate's comments. Who is Kate?

Mr. LYLE. That would be Catherine Anderson. We call her Kate.

Mr. WAXMAN. Who is she?

Mr. LYLE. She is an attorney in the Office of General Counsel in the Office of Administration.

Mr. WAXMAN. This is a draft of the talking points that Ms. Anderson reviewed with her notations; is that correct?

Mr. LYLE. Yes.

Mr. WAXMAN. There's a bullet point referring to the Mail2 reconstruction project in this draft that has been scribbled out by hand, and that same bullet point does not appear to be in what seems to be the final version of the document. Do you know why Ms. Anderson scribbled out the bullet point?

Mr. LYLE. Based on my discussions with her, these—that particular issue was removed because the thrust of these—of this information and the thrust of the—the purpose for which it was being prepared was an appropriations hearing for fiscal year 2000,

and the projects and the issues and the discussions in here were the capital improvement—I'm sorry, the capital investment plan for fiscal year 2000 and also the Y2K implementation issue which was an ongoing—it was—we needed to move into the year 2000. There was discussion of those current issues relative to the budget submission.

The e-Mail2 reconstruction project was not relevant because it was not—the funds were not being sought for the e-Mail2 reconstruction project in this appropriation, the subject of this material.

Also, bear in mind, as I said earlier, this is being prepared for Mr. Lindsay, who is the director of the Office of Administration at the time; and he, as you all know, knew a great deal about the Mail2 reconstruction project.

Mr. WAXMAN. Then let's pin it down even further. Did Ms. Anderson remove the Mail2 bullet as an attempt to prevent the Congress from finding out about the Mail2 problem?

Mr. LYLE. Absolutely not.

Mr. WAXMAN. In fact, returning to the point you made earlier, did you or Ms. Anderson view the Mail2 issue as a problem affecting the White House's ability to comply with document requests of subpoenas?

Mr. LYLE. No, sir.

Mr. WAXMAN. To your knowledge, the decision about whether or not to include the Mail2 bullet had nothing whatsoever to do with the issue of notifying Congress of problems of subpoena compliance?

Mr. LYLE. No, it had nothing to do with that.

Mr. WAXMAN. To sum up, Ms. Anderson did not think Mail2 reconstruction was an issue for this particular appropriations hearing; and she further thought that, if the issue did come up, Mr. Lindsay was well equipped to respond as he had been the one who handled the Mail2 problem originally; is that right, Mr. Lyle?

Mr. LYLE. That's right. Ms. Anderson is a very capable, hard-working lawyer, and that is exactly the reason that she was proceeding.

Mr. WAXMAN. When you come in and ask for money, you could ask for everything you might possibly want funded, but you ultimately have to make some decisions on priorities. And this was not a priority at that time, to get funds to go back and examine the back-up tapes, as you saw it, for archival purposes and for no other reason.

Mr. LYLE. That's right.

Mr. WAXMAN. It's really not fair for people to come in and say you should have known the subpoenas were not being complied with because you had no knowledge of it.

Mr. LYLE. That's exactly correct. We had no knowledge of the issues of subpoena, so we were making prioritizations based on the needs at the time, and the paramount concern was the Y2K issue. The other information technology types of projects that were non-Y2K needed to be deferred.

Mr. WAXMAN. Could you imagine what this committee would do if your computers failed the Y2K because you were trying to get the archives ready for the future historians?

Mr. LYLE. If our computer system had failed, I think this committee and I dare say a variety of other committees would have been very displeased with our—including my boss and my boss's boss all the way up in the White House, there would have been great displeasure; and, thankfully, we didn't have to face that.

Mr. WAXMAN. I'm pleased that you've clarified this issue. Because it seemed like, with some of the other questions, were trying to confuse it; and so it's clear now what we're talking about, different issues. When they are all mixed together, you can try to paint a picture to fit in with preconceived notions, but if you look at the facts as they were, I now understand your position.

Mr. Schiliro.

Mr. SCHILIRO. Mr. Heissner, this is my last question. I just want to make sure we're completely clear on this point. Your only involvement in the e-mail reconstruction is as it pertains to the archival responsibilities?

Mr. HEISSNER. Yes, sir, that's correct.

Mr. SCHILIRO. It's not because you were asked to inform Congress and it's not because you were asked to comply with subpoenas and there was some information that wasn't provided?

Mr. HEISSNER. That's correct, sir.

Mr. SCHILIRO. Thank you, Mr. Heissner.

Mr. WAXMAN. I'm going to—even though we have more time allotted to us in this period of questioning, I'm going to yield it back. I think Mr. Shays is probably waiting for his turn; and if there are other witnesses, we'll get our opportunity to go through it further. But I very much appreciate the testimony both of you have given. It has been a useful clarification.

Mr. BARR [presiding]. The ranking member yields back the balance of his time. The chair recognizes the gentleman from Connecticut for 5 minutes.

Mr. SHAYS. Thank you.

Mr. Lyle, Mr. Heissner, concealing subpoenaed or requested information is a crime. And the bottom line is, in my judgment, the White House obstructed justice, and we're just trying to see who did it. So that's the challenge.

I want to make sure that I understand your point, Mr. Heissner, that you clearly stated the problem as it existed. What does that mean? In response to Mr. Waxman, you clearly stated the problem as it existed. What was the problem as it existed and who did you state it to?

Mr. HEISSNER. In the sense of which the question was asked, I believe it refers to the Mail2 server failure.

Mr. SHAYS. Let's start with that. How did you clearly state the problem?

Mr. HEISSNER. How do I clearly state the problem?

Mr. SHAYS. Yes. You told somebody.

Mr. HEISSNER. There was documentation of which I described the problem.

Mr. SHAYS. And that there were—in the Mail2 problem, there were 246,000 potential e-mails that were not discovered in the site. That's exhibit 1. That's what we learned from Northrop, and that's what you learned from Northrop on June 18.

[Exhibit 1 follows:]

June 19, 1998

SUBJECT: Technical Anomaly in Automated
E-Mail Records Management System

This memorandum is to advise you of an anomaly in the system involving the Mail2 server, which primarily supports the day-to-day e-mail traffic of the White House Office (WHO) and the Office of Policy Development (OPD). In identifying which messages to save from Mail2, the ARMS system was designed to recognize user identifications with an electronic "stamp" which reads "Mail2". However, when user identifications for WHO and OPD were entered into the system, the majority were hand-keyed using all capital letters as "MAIL2". Because ARMS was not programmed to recognize the all capital version, messages in certain categories for these Mail2 users have not been captured by or transferred to ARMS. These omitted types of e-mail include:

- Incoming Internet e-mail
Delivery Reports (confirmation notification messages)
Non-delivery reports (failure delivery messages)
Return receipts
Return non-receipts (return receipt failures)
Trace reports (e-mail routing information)



E 3234

Mr. HEISSNER. No, I have never seen this before. I'm sorry. But what is the question, sir?

Mr. SHAYS. You've never seen the document from Northrop that talked about the different—all the different people that potentially had e-mails that might be relevant to the impeachment hearings, relevant to this committee, relevant to Mr. Starr? You——

Mr. ZWERLING. We may have a problem, Congressman, because document——

Mr. SHAYS. Exhibit 162. It's exhibit 1 on mine. I'm sorry—exhibit 63. I'm going to need another 5 minutes when we're done here if we're spending all the time looking here.

Why is this such a mystery to you?

[Exhibit 63 follows.]

NORTHROP GRUMMAN
EOPNG-98-0121

To: DeVere Patton
COTR

cc: Tony Barry, Dale Helms, Lynne Pascoe, Tracy Breeding, David Peterson

From: Joseph A. Vasta
Project Manager

Date: December 11, 1998

Subject: Weekly COTR Meeting December 9, 1998

Encl: (1) IWO Tracking Sheet (Hardcopy Only)
(2) Insight Article (Hardcopy Only)
(3) Past Due Invoice Memo (Hardcopy Only)
(4) Action Item Form (Hardcopy Only)

The weekly COTR meeting was held in the Northrop Grumman conference room on December 9, 1998. Attendees included Dale Helms, DeVere Patton, Tracy Breeding, David Peterson, and Joe Vasta.

Meeting Summary

A consolidated IWO chart (Attachment 1) was distributed from which IWOs were reviewed. A synopsis of the IWO review portion of the meeting follows. The Base Services IWO, 1999-EOP-001, was reviewed last.

- 1999-IST-002, Documentation and Modification of Lotus Notes/ARMS: This IWO is still in the Government's possession. The Government stated it was viewing this IWO in two phases. Phase one would be the documentation and covered under the Base Services IWO; phase two, the modification portion of this IWO would be part of the Government's Y2K initiatives.
- 1999-EOP-003, E-mail Reconstruction Processing: Northrop Grumman received from the Government electronic approval to perform services of this IWO at a specified level. The Government stated this IWO has been signed.

Northrop Grumman

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EOPNG-98-0121- December 11, 1998



NGL 00252

- 1999-EOP-004, EOP Y2K Model 204 Data Extraction: Northrop Grumman received from the Government electronic approval to perform services of this IWO at a specified level. The Government stated this IWO had been signed.
- 1999-CAB-005, Cabinet Affairs Support: There was no change of status with this IWO. It was submitted to the Government on November 30, 1998. It is still in the Government's technical review process.
- 1999-CAB-006, OMB PC Rollout and Redeployment: The Government stated this IWO has been signed by the CO and the new COTR. The Government apprised Northrop Grumman that because of other activities, it does not anticipate the NT 4.0 rollout occurring in January 1999.
- 1999-EOP-007, Mail 2 E-mail Reconstruction: This IWO and the ROM quote that Northrop Grumman delivered to the Government at the last COTR meeting (12/2/98), is still being reviewed by the Government. Northrop Grumman read a portion of and then provided to the Government a hardcopy of an Insight article entitled "Looking for Information in All the Wrong Place" (Attachment 2) which was referenced in the Drudge report. There was no clear indication as to the slant of the Drudge report (liberal, conservative, moderate, apolitical, etc.), but the Insight article referenced the Government's efforts in initiating an e-mail reconstruction project. Northrop Grumman informed this meeting's attendees that it had alerted the Government about the article as soon as Northrop Grumman discovered it. Northrop Grumman emphasized it would proceed with this IWO as it would with any other technical problem. Northrop Grumman re-emphasized that no actions on its part has been or will be clandestine in any way. Northrop Grumman informed the Government a separate IWO would be required to evaluate the tapes as the review of each tape exceeds an hour, and there are hundreds of tapes. The overall effort would far exceed the services covered in the Base Services IWO. The Government requested Northrop Grumman to perform at least one evaluation of a tape. Northrop Grumman agreed.
- 1999-EOP-008, Personnel and Payroll, Phase 1, Part 2: There was no change of status with this IWO. It was submitted to the Government on November 30, 1998. It is still in the Government's technical review process.
- 1999-EOP-009, PC Inventory: The Government questioned who had authorized this IWO as the CO and the COTR had no knowledge of its initiation. The Government requested the IWO be presented to the COTR and CO in attendance before any additional processing of this IWO takes place. Northrop Grumman

informed the Government the IWO had already been submitted for pricing, but it would be presented to the Government as requested.

- **1998-EOP-021, PC Rollout and Redeployment:** This IWO has been signed by the Government. Northrop Grumman and the Government still needs to work together to develop a special invoicing methodology to use for this effort. An action item to conduct a meeting to address the invoicing issue is open. Northrop Grumman asked the Government to help it gain a better understanding of the environmental logistics associated with this IWO effort. More personnel would be needed to make the required 'network drops' to support this effort. Northrop Grumman asked to meet with the Government to determine the most cost-effective approach to implement not only this rollout effort, but also any other IWO rollout efforts.
- **1998-EOP-023, Re-engineering Office of the Executive Clerk:** This IWO has been signed by the Government. Northrop Grumman had initiated a new cost proposal to reflect the higher costing rate of the Visual Basic programmer assigned to the task. The bottom line of the new proposal would not be increased because the schedule upon which the effort was based was shortened. The Government stated that a new cost proposal would not be necessary in that case since the funds had already been allocated and there was no impact on the overall project cost.
- **1998-EOP-001, Base Services:** The Government acknowledged that this IWO had been signed and returned to Northrop Grumman.

Other issues:

- **IWO Process:** The Government stated it want all IWOs to first be submitted to the respective IS&T COTR (Mr. DeVere Patton) before it is forwarded to the Northrop Grumman Herndon Business Office for pricing. The Government made this request because of several IWO efforts that were in various staged of implementation about which the Government had no knowledge. The Government mandated this request be honored immediately, especially in light of the PC Inventory IWO mentioned above, and the CSAR Implementation and the Tape IWO situations as summarized.
- **CSAR Implementation in Lotus Notes:** The Government stated it understood this project was nearing completion, and the IS&T COTR was completely unaware of this activity until Tuesday, December 8, 1998. Additionally, the Government stated that this project appears to be in direct conflict with some IS&T objectives. Northrop Grumman explained this effort was in progress for many months with explicit approval from the previous COTR.

- **Tape IWO:** The Government stated it wants all work efforts understood this project was nearing completion, and the IS&T COTR was completely unaware of this activity until Tuesday, December 8, 1998. Additionally, the Government stated that this project appears to be in direct conflict with some IS&T objectives. After some discussion, the Government acknowledged the effort occurred through proper Government direction.
- **Weekly Reports:** The Government stated weekly reports such as the M204 report need to be ready and available for Government representatives as needed. As was identified during last week's meeting (12/2/98), the Government agreed to consult with its other representatives to obtain agreement on the necessary information required for these weekly reports. The Government and Northrop Grumman agreed to work together to better define the requirements and the due dates and times for weekly status report submittals.
- **1998 Award Fee:** The Government stated it would be forwarding some data to its award fee committee today (12/9/98). The Government stated it would have an answer to Northrop Grumman's award determination question by Wednesday, December 16, 1998.
- **1999 Award Fee:** Northrop Grumman stated it continues to be very concerned regarding this issue. The 1999 award fee cycle has expired and Northrop Grumman still does not know the criteria by which it is being judged.
- **Past Due Invoice Memo:** Northrop Grumman presented to the Government a Northrop Grumman memo (Attachment 3) kindly requesting the Government's immediate attention to this issue. Northrop Grumman asked the Government to help resolve these outstanding invoices before the end of the 1998 calendar year as Northrop Grumman's accounting year ends on December 31, 1998. The Government agreed to address this issue today, Wednesday, December 9, 1998.
- **Action Item Review:** Open action items were reviewed. Three new action items were created, and the Government was given a hardcopy of the Northrop Grumman action item tracking form (Attachment 4).
 - AI# 0008, Sterling Personnel. Closed during this meeting.
 - AI# 0011, SDLC Issues for Mail 2 E-mail Reconstruction. Closed during this meeting.
 - AI# 0015, Reconciliation of IWO Deliverables. This is a two-part Action

Here → Item. Part one concerned the deliverables, it is complete; part two concerns the invoices, it is incomplete. (Northrop Grumman action)

AI# 0016, Identification of Personnel to Support OA PC Rollout Effort.
Closed during this meeting.

- AI#0018, Award Fee Percentage. (Government action)
- AI# 0022, PC Rollout & Redeployment Invoicing. (Northrop Grumman and Government action)
- AI# 0023 (New), 1998 Award Fee Status. (Government action)
- AI# 0024, Tape Reconstruction Concept. (Northrop Grumman action)
- AI# 0025 (New), Signed IWO Sheets. (Government action)
- AI# 0026 (New), 1999 Award Fee Criteria. (Government action)

IWO NUMBER TRACKING SYSTEM			
IWO Number	Inception	IWO Title	Comments / Remarks
1999-ECF-001	9/20/98	BASE SERVICES	Re-submitted 11/04/98
1999-ECF-002	7/6/98	DOCUMENTATION & MODIFICATION OF LOTUS NOTES/MAILS	Submitted to Govt 7/23/98
1999-ECF-003	8/13/98	E-MAIL RECONSTRUCTION PROCESSING	Revision to Govt 10/26/98
1999-ECF-004	8/24/98	ECF Y2K MODEL 204 DATA EXTRACT	Signed 11/03/98
1999-ECF-005	10/5/98	CABINET AFFAIRS SUPPORT	Submitted to Govt 11/20/98
1999-ECF-006	10/16/98	CAB PULLOUT AND REDEPLOYMENT	Submitted to Govt 11/20/98
1999-ECF-007	10/27/98	MAIL 2 - E-MAIL RECONSTRUCTION	ICM Submitted 12/02/98
1999-ECF-008	10/27/98	PERSONNEL & PAYROLL PHASE 1- PART 2	Submitted to Govt 11/20/98
1999-ECF-009	12/7/98	PC Inventory	Submitted to Henderson 12/7/98
1999-ECF-021	8/18/98	PC ROLLOUT AND REDEPLOYMENT	Signed
1999-ECF-023	9/24/98	RE-ENGINEERING OFFICE OF THE EXECUTIVE CLERK	Signed
1999-ECF-020	8/11/98	WYQ EXPRESS INSTALLATION & CONFIGURATION	COMPLETED*
1997-ECF-001		PHASE-IN PLAN	COMPLETED*
1998-ECF-007		BASE SERVICES	COMPLETED*
1998-ECF-006		PC ROLLOUT UPGRADE	COMPLETED*
1998-ECF-005		CABINET AFFAIRS	COMPLETED*
1998-ECF-008		PERSONNEL & PAYROLL SYSTEM REPLACEMENT	COMPLETED*
1998-ECF-010		Y2K SUPPORT	COMPLETED*
1998-ECF-012		SMS AUTOMATED HW INVENTORY COLLECTION	COMPLETED*
1998-ECF-017		PC MAINTENANCE IAG	COMPLETED*
1998-ECF-018		Y2K COMPLIANCE	COMPLETED*

Attachment 2

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Looking for Information in All the Wrong Place

By Paul M. Rodriguez

Federal prosecutors and congressional investigators are used to the White House playing fast and loose with subpoenas requiring aides to hand over detailed information. All too often what they get from the White House in response to subpoenas is not what they requested or what they wanted. And they have to resubpoena and then wait sometimes weeks and months to see if the administration will be any more forthcoming. Generally, it isn't, many complain.

For example, the White House has been subpoenaed time and again by several congressional panels and federal prosecutors for telephone records that would shed light on who called whom, who initiated the phone conversation and, equally important, when key calls were made. In response to such requests, the White House claims it doesn't have such information and the records it does possess and supplies consist of sketchy logs, kept by secretaries, of calls made by their bosses or incoming calls as catalogued in handwritten notes by White House operators.

"They say their systems do not keep phone-call details," a federal law-enforcement official tells news alert! "We don't have those records from them," adds a congressional investigator. The only decent billing records investigators have seen are for cellular telephones maintained by individual aides.

Why not get the billing records for White House phones from the telephone companies themselves? Because the phone companies generally trash them after 30 to 90 days unless requested by a client to retain them. And, of course, the White House has not asked for such service.

Naturally, therefore, it came as a complete surprise when federal law-enforcement and congressional investigators were asked by news alert! if they were aware that, in fact, such records do exist and stretch right back to 1993. "You've got to be kidding me!" exclaimed one federal prober. "Are you serious?" queried another.

The records, which are extensive, are stored in the Old Executive Office Building.

Computer Glitch Leads to Trove of 'Lost' E-Mails at White House

NGL 00258

New technology can be a real killer when you'd rather keep information under wraps. Paper documents always can be shredded. Just ask Oliver North and Fawn Hall. But computers have a pesky habit of retaining information even after that handy delete button has been pressed. For example, e-mails.

Take Project X. Yes, those White House folks just love their sci-fi monikers. "It's top secret and there's going to be hell to pay if anyone finds out about it," a White House insider tells news alert! "They're real nervous about this getting out," a consultant says of the e-mail project, partly because hundreds involve Monica Lewinsky.

So what is Project X and why is the White House sweating about it being revealed? Federal law-enforcement and congressional investigators for months now -- in some cases years -- have sought to get their hands on White House e-mail traffic. Of course, the subpoenas have flown, but often to little satisfaction. As with the White House telephone records, so with e-mails.

Project X grew out of a routine computer-repair job in the early summer, say White House insiders. There were problems with a server in a West Wing computer system, and engineers from a contractor discovered a blockage caused by about 100,000 e-mails, many of which may come under subpoenas issued by Capitol Hill panels and independent counsel Ken Starr. Now the White House is busily and secretly undertaking a complicated e-mail-reconstruction effort, hoping to avoid raising the ire of any panel that discovers the existence of this hoard of electronic messages involving the oft-times-private chitchat.

So why hasn't the White House come clean and informed various panels and Starr of the discovery? Insiders say there's a lively debate going on involving a fair amount of legal hair-splitting. Some folks in the West Wing believe that unless resubpoenaed, the White House doesn't have a duty to tell anyone about the irritating new batch of e-mails discovered. Others aren't so sure.

White House spokesman Barry Toiv confirms to news alert! the discovery and secret review. But he claims the e-mails -- those of Lewinsky and her pals, for example -- appear to duplicate some already turned over to requesters like Starr. Skeptical probers now may want a peck, too.

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Mr. ZWERLING. We were not provided any documents prior to the hearing even though we were requested——

Mr. SHAYS. These are White House documents.

Mr. ZWERLING. But this witness has not seen these documents in preparation for the hearing is what I'm telling you. That's why he needs to read it now.

Mr. BARR. The answers to the question now would come from the witness. We would appreciate it, please. That's in keeping with standard procedure.

Mr. HEISSNER. As I'm looking at this document, it looks like it's a record of processing of updates.

Mr. SHAYS. Isn't this a document that describes the potential e-mails that were not captured, potential communications that weren't captured?

Mr. HEISSNER. From the document—as I see it now, I don't see anything that indicates that these were individuals whose e-mail wasn't captured. I see——

Mr. SHAYS. This was done on June 18th. Wasn't this part of the test?

Mr. HEISSNER. I was not familiar with the test, and I didn't participate in this. My involvement began in late 1998, sir.

Mr. SHAYS. After this was done. And why is that? Why did your involvement happen then?

Mr. HEISSNER. Well——

Mr. SHAYS. In other words, how can you tell me that you forwarded on the extent of the problem, you clearly stated—clearly state the problem as it existed? It sounds to me like you didn't know how the problem had existed. I mean, is that your testimony?

Mr. HEISSNER. I had been asked to provide a summary of the events to the then director, to get her updated. I went and inquired from some of my colleagues——

Mr. SHAYS. Can you put the mic a little closer to you?

Mr. HEISSNER. I then inquired from Northrop Grumman staff and other technical people to obtain a description of the problem as it was understood at the time and then provided that information in a memorandum to Mrs. Cleal.

Mr. SHAYS. And is it your testimony that you weren't aware that there were hundreds of thousands of potential e-mails that had not been captured?

Mr. HEISSNER. My understanding was that there were somewhat over 400 accounts whose information relating to the server—the mail server that would contain that mail had not been encoded properly. It was an upper lower case problem. That's what I understood. How many e-mails there were I was not aware of and I didn't know. I had no knowledge of that.

Mr. SHAYS. You had no knowledge. So really what you're telling us is all the information you provided was almost irrelevant because Northrop had known and the White House had known, others in the White House had known since June 18th that there were thousands of e-mails that hadn't been captured.

Mr. HEISSNER. There are two numbers we are looking at. There's a number of accounts affected and a number of messages. The number of messages was not known. The number of accounts was an estimate given to me by Northrop Grumman staff.

Mr. SHAYS. OK. Now, under Carole Lieber at the top of the first page, the handwritten note talks about the number rejected by ARMS.

Mr. BARR. If I might interrupt, the gentleman's time has expired. We'll go to the other side and then come back to the gentleman from Connecticut.

Mr. SHAYS. Fine.

Mr. BARR. The gentleman is recognized for 5 minutes.

Mr. KANJORSKI. Let me straighten out again. Your job was to find out what was wrong and to try and correct it for archival purposes, is that correct?

Mr. HEISSNER. That's correct. My job was to find out what was not working and to find out what could be done to make the corrections.

Mr. KANJORSKI. And so for purposes of subpoenas, whether they be by special counsel or any committee of Congress, that was of no significance to you; and, therefore, the numbers of e-mails lost was of no significance to you. It was to find and identify what the problem was and how it could be reconstructed?

Mr. HEISSNER. That's correct, sir. The focus was on making sure that the back-up tapes were being maintained, they were not being recycled and that the data could be reconstructed.

Mr. KANJORSKI. Probably the general public watching this hearing are not as familiar with as complicated a computer system as exists at the White House. But do you have over the years an experience that it's a perfect system that works all the time or is it not unusual that a computer system crashes?

Mr. HEISSNER. Well, I guess that's a truism that to fail is human but to really foul things up takes a computer, sir.

Mr. KANJORSKI. All right. I would like the record to reflect, Mr. Chairman, that in my congressional office here in the House in the last 7 weeks my computer system has crashed about seven times; and I would be hard pressed to identify what materials have been lost because we're reconstructing what was on that. That is not unusual, is it? The computer contractors for the House of Representatives tells me that happens all the time. Maybe my friends on the other side can tell me their computers are absolutely perfect and have never crashed and therefore they have never lost any material, but then I would tend to think there probably was a conspiracy in the House at least to have this happen.

This was just an occurrence of the weakness of our reliance on a computer to receive and assemble material, hold material, etc., is that correct?

Mr. HEISSNER. That's correct sir.

Mr. KANJORSKI. And your job was not to assemble information or evidence for anyone. It was merely for archival purposes to get this problem straightened out as best you can and to do that in a prioritized basis, 2000 issue being the most important, is that correct?

Mr. HEISSNER. That's correct, sir.

Mr. KANJORSKI. Thank you, Mr. Chairman.

Mr. BARR. Mr. Heissner, Mr. Lyle, you're both aware of the fact, I presume, that the White House computer system is not just any computer system. Is that correct?

Mr. HEISSNER. Correct.

Mr. BARR. There are special laws that pertain to the White House computer system as the computer system that is officially designed to and required by law to maintain communications, data, records and so forth of the executive branch; therefore, very special laws apply to the retention of that information and to ensure its integrity that might not apply to other computer systems such as the gentleman alluded to. Is that correct?

Mr. HEISSNER. That's correct sir.

Mr. BARR. That's your understanding, too, I presume, Mr. Lyle?

Mr. LYLE. There are rules, Federal Records Act, Presidential Records Act, Armstrong, those types of rules apply to data on—at least on the Executive Office of the President systems.

Mr. BARR. If somebody tried to imply that what we're looking at here is irrelevant simply because some other computer systems somewhere, sometime break down or don't maintain records properly and therefore that's an excuse for what we've seen happen here. That would certainly not be an accurate or legal interpretation or implication, would it?

Mr. LYLE. Are you referring to Mr.—Congressman Kanjorski's statements?

Mr. BARR. Certainly not.

Mr. LYLE. I don't know that—what other—whatever happens to other systems. I focus on the Executive Office of the President.

Mr. BARR. You understand that there are very special laws and regulations that apply to that and make it very different from other systems.

Mr. LYLE. The rule—

Mr. BARR. There are legal obligations that relate to the White House computer system, records retention system, that don't apply to any other systems, isn't that correct?

Mr. LYLE. I know that we, the Executive Office of the President, are subject to the Federal Records Act, the Presidential Records Act and related cases, including the Armstrong case. What goes on for other agencies or other branches of government I'm not in a position to comment on, sir.

Mr. BARR. Nor is it relevant, is it?

Mr. LYLE. I have no idea, because I have no idea what the rules are.

Mr. BARR. Which would mean it would not be relevant for these proceedings here today.

Mr. LYLE. I have no way to say one way or another. I have no basis to state.

Mr. BARR. Well, I suspect you do, because you just cited to me special laws that relate to the White House records system.

Mr. LYLE. I understand that they apply to our systems. The applicability of those rules and what other cases are applicable to other systems I have no idea.

Mr. BARR. Which makes them irrelevant for our process here today. All I'm saying is they really have no relevance. If somebody tries to say that inquiring—inquiries by the Congress into lapses into the records management system and retention system at the White House are inconsequential because these sorts of things might happen to other systems really is not relevant because of the

special laws that apply and the requirements apply to the—I'm not asking a question. I'm making a statement. So you don't have to worry about it for purposes of our inquiry here today. I think you understand that, and I think Mr. Heissner understands that, too.

Mr. KANJORSKI. Would the gentleman yield?

Mr. BARR. I'll be happy to yield.

Mr. KANJORSKI. If I may, I happened to have the occasion to be in the White House the third day after the inauguration of President Clinton, and I recall something that was astounding to me, and that is that every computer that I saw in every office of the White House was gutted under court order. It had a sticker on it, and all the insides and all the materials were taken. And had back-up systems or computers existed in the White House the third day that this administration took office—I would ask the question, how could you possibly reconstruct what happened archivally for those 3 or 4 days or 2 weeks before an entirely new system was implemented in the White House?

Mr. HEISSNER. I think we are dealing with two kinds of systems. The desk top computers that individuals use use two kinds of storage, use storage that resides on that machine's hard drive, and they also use network storage. The e-mail systems are more centralized systems. And so anyone that can—that has an account can access e-mail.

And I think at that time it was not—it wasn't Lotus Notes. It was another system. All In One I believe it was called. Anybody that could connect with All In One from any terminal had an account, could send e-mail. However, any records that they would have created during those first 3 days were then removed because the hard drives were removed from their system, could not be reconstructed, no.

Mr. KANJORSKI. So, in fact, to the laws that Mr. Barr refers to about this tremendous obligation that the executive branch has to keep records, we know for a fact—and I think you are aware of the fact—that the computer materials were extracted from the White House at the end of the Bush administration and didn't exist for several weeks. Then all those archival records are basically lost, is that correct?

Mr. HEISSNER. That's very likely true, sir.

Mr. BARR. If you all feel comfortable operating on that basis, you all feel free to. I think you'll find real problems if you rely on that sort of legal reasoning.

The gentleman from Connecticut is recognized for 5 minutes.

Mr. SHAYS. Mr. Heissner, I made some assumptions that, given this was your area, you would have been aware of this document. And I really apologize, but that itself is news to me and news to the committee. This is a document—this is exhibit 62 which you have in front of you. This is the document that was supplied by Northrop and prepared by Bob Haas. Do you know Bob Haas?

Mr. HEISSNER. Yes, I do, sir.

Mr. SHAYS. It's your testimony you have never seen this document before.

Mr. HEISSNER. That's correct, sir.

Mr. SHAYS. OK. Wouldn't it have made sense for you to see this document?

Let me just clarify one point, because I think it's important for you to know that—look under the first person, Carole Lieber. And it says in writing 5. These are rejected e-mails. It gives the number—each one of those numbers and the numbers of rejected e-mails—209, 441, 647. I mean, I accept the fact under oath you haven't seen this document. I think it's astounding. We added them all up. There are over 246,000.

Mr. HEISSNER. I've sent—I've never seen the document before. This happened before I became involved in this process.

Mr. SHAYS. But the point is, you then wanted to recapture and provide some meaningful information to somebody, and it's almost like you were set up. Like you were providing information to someone else and you weren't being provided all the information, which I think is curious. And again with my suspicious mind, given all that's transpired in the past, I think it was purposeful, but we'll probably never be able to prove it. 246,000 e-mails that weren't captured just under the Mail2 problem, not to mention the letter D problem and the Vice President problem. The Vice President used a different system, so we don't have his.

So you go with 246,000, and then you say those are the all incoming e-mails not in ARMS, and then we subtract the e-mails found in individual PCs, then we subtract the e-mails found attached to sent e-mails with history, then we subtract the e-mails found in printed files, then we subtract the e-mails retrieved from back-up tapes. And then what you do is you take the—you subtract—all these undisclosed e-mails, these 246,000, you then subtract the not relevant and then you get the subpoenaed, not produced. And right now we have potentially a lot of subpoenaed, not produced.

Now, Mr. Lyle, because you've wanted us to believe that somehow the fact that you have the Y2K problem that they are mutually exclusive and that this problem can't be dealt with, that you can't hire someone else to deal with it, that you can't ask Congress to provide more information, that you can't say to Congress, you know, we have a Y2K problem but, by the way, we can't find 246,000 e-mails and let Congress know about it.

And what really amazes me is that, even if you made a decision on your own and others, maybe not you, not to abide by the law to hand over all subpoenaed or requested information—let me make this point, and I'll let you respond—you and others chose not to, at least publicly, explain that there were 240,000 e-mails that we hadn't yet found. And I suspect and in my suspicious mind that it might have something to do with impeachment.

And, by the way, I voted against impeaching the President. But I suspect it might have been because of that and because you simply didn't want the story to come out. What else am I to expect? Because nothing prevents the White House from explaining to all the relevant jurisdictions that we had this problem.

Mr. LYLE. Mr. Shays, as I've said previously, I'm aware of no effort by anyone not to be responsive to your request for information. I certainly was not, and I'm aware of no one who was. The information exchange between this committee and the White House counsel's office is something I simply do not know. I have no knowledge of whatsoever. I cannot—I cannot tell you.

Mr. SHAYS. So you didn't know there were any e-mails missing?

Mr. LYLE. I did not know one way or another what information you had sought.

Mr. SHAYS. That's not the issue. The issue is—let's just go through the way your mind thinks. You didn't know there were any e-mails missing from the ARMS.

Mr. LYLE. I'm not saying—

Mr. SHAYS. No, no. Just tell me yes or no. Did you know?

Mr. LYLE. I am not saying that I was not aware that e-mails were not captured on the Automated Records Management System. I want to be clear on that. I am not saying that. What I am saying is that the information about those anomalies was not information that I was charged with or anyone on my staff was charged with providing to the committee. Those matters were just the—all the Office of Administration was was a conduit of information to the appropriate people.

Mr. SHAYS. Should I be surprised that implicitly you're telling me you didn't know we were subpoenaing information—we, the Judiciary Committee, the Government Reform Committee, Mr. Starr's investigation? You weren't aware that any—there weren't subpoenas out there to look at e-mails?

Mr. LYLE. Remember, I joined the Office of the President in November 1998.

Mr. SHAYS. November 1998.

Mr. LYLE. I have never seen any of the subpoenas that—

Mr. SHAYS. Where did you live before you—you are—weren't aware—were you aware there was an impeachment?

Mr. LYLE. I'm not saying I wasn't aware that there was an impeachment. I'm saying that I wasn't aware of the subpoenas or the information in terms of what was being sought and what was being provided. It simply was not a function that was within the Office of the Administration.

Mr. SHAYS. I understand you're saying it's not your line of responsibility. I just want to understand you. I want to understand the mentality of the people who worked in the White House. I want to understand why we didn't learn about this problem until 2 years after, basically. And it's just helpful to know because, ultimately, somebody knows. It's like—it's—really, it's the same kind of problem I had when I just want to know who hired Craig Livingstone. Craig Livingstone didn't know who hired him, and nobody else knew. He just happened to work at the White House. I think almost any American knew there were hearings on the President and knew that information was being subpoenaed.

Mr. LYLE. I didn't say that I didn't know there were hearings, and I didn't say I didn't know information was being sought. And that was being provided. What I'm saying is I don't know what that was. I don't know—I never saw the subpoenas.

Mr. SHAYS. Were you ever—I'm sorry.

Mr. LYLE. I had no idea as far as the communications between this committee and the White House counsel's office. I wasn't in the White House counsel's office, never have been. I was in the Office of Administration, which is a different—it's actually housed in a completely different building.

Mr. SHAYS. Were you aware of the problem? You were aware that there was a problem that there were these missing e-mails.

Mr. LYLE. As I said earlier, I learned of the Mail2 anomaly.

Mr. SHAYS. What did it matter that there were missing e-mails? What did your mind say? So there are missing e-mails. You thought, well, big deal, there's missing e-mails. Nobody wanted any of them? What was in your mind?

Mr. LYLE. In April 1999, when I learned about the e-Mail2 anomalies, I was learning about it in connection with the letter D anomaly which I've discussed. And in the context of those discussions, we—a number of things had to happen. Look, OK, what do we do about the anomaly? What do we do? The e-Mail2 was a guide. We need to do a couple of things. We needed to do a couple of things. We need to make sure we've got the data on the back-up tapes, which we did assure ourselves of. So that information was put, and it was secured, it is tucked away now under lock and key on the back-up tapes. It's all there. So the Federal Records Act, the Presidential Records Act, all those—the laws that Mr. Barr was asking me about, you've got the back-up tapes so that you can have them for archival purposes.

The other thing that needed to be done is, OK, we need to advise White House counsel's office.

Mr. SHAYS. Let me just say—

Mr. LYLE. What we needed to do was advise White House counsel's office of the issue. Mr. Lindsay had previously handled the e-Mail2 anomaly. He had communications with the White House counsel's office. So those two components were the things that were going on. So we had elevated it—

Mr. BURTON [presiding]. Mr. Shays, let me interrupt briefly. I yield to Mr. Kanjorski. Then I'll give you my time.

Mr. SHAYS. I'm happy. I'm going to very patient, but I will take a little more time.

Mr. LYLE. I'm happy to answer your questions.

Mr. BURTON. Mr. Kanjorski, you have questions?

Mr. KANJORSKI. If I may, on this document maybe I could ask counsel for the committee to explain, is the number of e-mails missing on the extreme left hand column of the page? Is that the number or is it the number under the name?

Mr. BURTON. It's the number under the name. The counsel would be happy to explain if you choose.

Mr. KANJORSKI. What's the number on the left hand corner?

Mr. BURTON. Let me put the counsel—

Mr. WILSON. Our understanding—the test was conducted by Mr. Haas, and he determined two things. First of all, all the individuals who were then employed who were served by the Mail2 server—so these are all the individuals whose accounts were affected by this computer problem, by the e-mail problem. So he printed out a master list of all of the individuals who were affected by the problem.

And then he determined two types of information. One, the number of e-mails that were then on their system. So on that particular day, June 18, 1998, for example, Carole Lieber, there were 158 e-mails on her system that, you know, many could have been erased the previous month or week, but on that particular day there were

158. Of those 158, 5 e-mails had not been captured by the ARMS system.

So the first column represents the total number of e-mails that were on the person's system at that particular time. The second column indicates the number of e-mails that were not captured by the ARMS system. The total number of that second column is slightly over 246,000.

Mr. KANJORSKI. If you would go through the entire document and total it up, the second column, 246,000.

Mr. WILSON. Yes, sir.

Mr. KANJORSKI. OK. Now that you're looking at that document down there, it strikes me I've just gone through this in a cursory manner, but I see some of the most important people in the White House—the chief of staff and the President's assistants—they get very few e-mails, and very few were lost. Do you notice that? If you go to Erskine Bowles, page 00309. Is that correct? Yes. He—that day only—he had 1,108 e-mails and 161 were lost, about 10 percent or 15 percent.

Mr. KANJORSKI. Counsel has just explained to me that all of these are retrievable, is that correct? Erskine Bowles, 161 were lost. He had 1,108 on his computer that day.

Mr. HEISSNER. Yes, the purpose of the reconstruction design of the system design is to design a system that allows the retrieval of these managed records subject to the ability to read the tapes on which the back-ups were created and the presence of those tapes.

Mr. KANJORSKI. And you have the tapes.

Mr. HEISSNER. We maintained—when the problem was discovered, the directions were given to Northrop Grumman to retain all the tapes. This is sort of the three blind men and the elephant kind of a problem, because as you ask different people you get different answers. It appears, but nobody can tell for certain, there was a short time period somewhere between 1996 and 1998 where these back-up tapes were, after being recycled, which means after the tape had been created and had been maintained for maybe 4 weeks or 6 weeks or whatever the retention period was, that same type was used again.

That practice was stopped as soon as Northrop Grumman became aware there was a serious problem. So I cannot say for certainty that everything that ever went on a Mail2 server that was an e-mail message can be recovered. But to the extent that the tapes exist and they can be read and we believe we stopped the bleeding, which—we corrected the problem. We also made every effort to make sure that the tapes—the back-up tapes were created, were kept. To that extent, these records that appear here should be recoverable.

Mr. KANJORSKI. And at some point we're going to be able to have them and you're working on reconstructing them now, is that correct.

Mr. HEISSNER. That's correct. And the objective is to recover them.

Mr. KANJORSKI. So these hours we're spending here, we're eventually going to be able to read these things.

Mr. HEISSNER. That's correct, sir.

Mr. KANJORSKI. Maybe I think we have too much time. We don't have anything to do in the Congress. We're going to rehash this because we can't wait or we're trying to find out why they aren't here. I'm not sure I understand the thrust of the issue at this point where we're beating you three gentlemen to death over something that is going to be reproduced. It wasn't your responsibility. You weren't involved in subpoenas. You're technical people. You're doing the best you can to reconstruct.

Mr. BURTON. The gentleman's time has expired.

Perhaps I can shed just a little bit of light on it.

Subpoenas were issued by the Congress, a number of committees and the independent counsels asking for all documents that may be relevant to these various investigations. These e-mails were part of the subpoenaed material. From September 1996 through 1998 we don't have them, and we think that they may be very relevant to what we were looking into, and that's why this whole issue is so important.

Mr. KANJORSKI. I agree with the President, Mr. Chairman. We ought to find out what happened to those 10 pounds he lost.

Mr. BURTON. Let me just ask one question, then I will yield to Mr. Shays, and that is go back to exhibit 134, and that's Mr. Lyle, that's the document where the Mail2 reconstruction was crossed off, and that was not put on the final draft. It was prepared for the Appropriations Committee, and you said it was because of the Y2K problem that you had so much—you had to focus so much attention on that, and the e-mail problem was not that significant importance at that time, so you didn't pursue it. I would just like to ask you this question: At the same time the White House was installing Palm Pilots for the White House staff, they were creating new fax cover sheets for the White House staff, and they were working on the White House Christmas card list. Now, that was going on, and you thought that was important enough to pursue it. But the e-mails that were important, relevant to all of these subpoenas and these investigations, wasn't as important as the Y2K. Can you explain the difference there in the priorities?

Mr. LYLE. The—my understanding is that the system that you talk about, the Christmas card system—

Mr. BURTON. Well, and the other two, yeah.

Mr. LYLE. The other two are the day-to-day operations that our staff was doing. Those were ongoing. I mean, you still had to service customers, you still had to provide service. You had to fix their systems.

Mr. BURTON. The Palm Pilots and all that.

Mr. LYLE. Those are customer service types of things. Those are always ongoing. You have to do that. So those were projects that were ongoing.

Mr. BURTON. And the fax cover sheets for the White House staff?

Mr. LYLE. Well, again, those are ongoing customer service initiatives. We have to have a day-to-day operation capability that allows people to do their jobs, which would include—

Mr. BURTON. Why wouldn't subpoena compliance be ongoing? I mean, it seems to me that would be pretty important, subpoena compliance. Why wouldn't that be ongoing? I mean, if the fax cover

sheets and the Palm Pilots were important, why weren't the subpoenas an ongoing—

Mr. LYLE. Subpoenas, responses to subpoenas are always done, and we do respond to subpoenas. We've gotten subpoenas from this committee. We've gotten subpoenas from the Office of Independent Counsel since I've been there. We respond to those accordingly in the same process that I've described in my prior testimony.

Mr. BURTON. Mr. Shays.

Mr. SHAYS. Mr. Lyle, I'm a little confused, and I apologize if it's my fault. I realize, Mr. Heissner, you are a career employee of many years and serve with distinction, so this is a real unusual circumstance for you to be before the committee, but I think you understand the challenge. I mean, the challenge is that information was subpoenaed by Starr's investigation, by this committee, by the Judiciary Committee, and for 2 years, from basically September 1996 to November 1998, the problem existed, but people in the White House, and we just need to know who, knew the extent of the problem, knew on June 18th. But you didn't know the extent of the problem because for one thing you were never supplied the document that described how there were 246,000. And that's telling, because, you know, this is an area that you should have been.

And then it strikes me you were asked in the fall later in that year of 1998 to describe the problem to others, and you were not given all the relevant information. Am I off track a little bit? I mean, were you given all the relevant information—

Mr. HEISSNER. The—

Mr. SHAYS [continuing]. To know the extent of the problem?

Mr. HEISSNER. The collection of the information involved the discussions with other technical staff to get an overview of the problem and to get an order of magnitude of the problem, and it is very likely that I was not given full details to the infinite degree.

Mr. SHAYS. Your testimony says that you weren't given this document that was provided by Bob Haas of Northrop to someone; you were not given—and it was provided on June 18th, 1998—you were not given that document, and this document shows 246,000 e-mails that weren't captured just under the Mail2 problem. And you did not have that document.

Mr. HEISSNER. No I did not have that document.

Mr. SHAYS. You did not have that document, when you then tried to clearly state the problem as it existed in the fall of 1998, you did not have this document to refer to.

Mr. HEISSNER. That's correct, sir.

Mr. SHAYS. I don't know whose clock this is now, whose time that is. Is that my time now?

Mr. BURTON. You and Mr. Barr are both next.

Mr. Barr, do you want to go next?

Mr. Shays, you have 5 minutes. That was my time.

Mr. SHAYS. Thank you for your time, Mr. Chairman.

Mr. Lyle, what I'm trying to wrestle with in your explanation is you just proceeded to say that you have provided subpoenaed information to various committees at request. Is part of your responsibility to provide subpoenaed information?

Mr. LYLE. It's part of everybody's responsibility to provide information responsive to subpoenas.

Mr. SHAYS. Let me just say the problem is, with everybody, when everybody is responsible, nobody is. So I need a little more accuracy. When is it your responsibility?

Mr. LYLE. When a request for information is received, and information internally needs to be provided to the White House counsel's office, a notification is sent throughout the Executive Office of the President complex for individuals to search their files——

Mr. SHAYS. OK.

Mr. LYLE [continuing]. And their files and materials, and then, in a fashion just like what Mr. Heissner described, submit that up the chain to make it to the White House counsel's office for them to review.

Mr. SHAYS. So your information was only to provide the information you personally had or in your capacity as the director of the Executive Office of the President's Office of Administration, you would have a more expanded task to make sure others complied with subpoenas.

Mr. LYLE. When it comes into the Executive Office of the President into the Office of Administration, it goes in through the General Counsel's Office, who sees to it that everyone responds back. It's all gathered up, and certification is sent up to the counsel's office wherein they——

Mr. SHAYS. But what I'm trying to clarify is when you get requests, it's not just for your own specific e-mail, but it can be other e-mails that are in your system.

Mr. LYLE. It's whatever is under my control.

Mr. SHAYS. Right. Under your control. Which could include a number of the people on this list, correct?

Mr. LYLE. I don't know.

Mr. SHAYS. I mean, just some of them, let's just say Ira Magaziner, if there was a request for Ira Magaziner information, they might make that request to you to provide information that would be in your system.

Mr. LYLE. What information is sought in the notification that we receive in the first instance is what we endeavor—what each person is required to endeavor to respond to.

Mr. SHAYS. Mr. Lyle, could you look at this exhibit 62 and just tell me if you have ever seen it?

Mr. LYLE. I have looked at it, and I don't believe I've seen this before.

Mr. SHAYS. You don't believe it, or you haven't seen it?

Mr. LYLE. I don't believe I've seen it.

Mr. SHAYS. So it's a pretty strong statement that you haven't seen it to the best of your knowledge.

Mr. LYLE. That's right, to the best of my knowledge I haven't seen it this was in June 1998.

Mr. SHAYS. This includes 246,000 e-mails that slipped through, and they were different personnel. Ira Magaziner, Betty Currie, Bill Clinton, the list—Bruce Lindsey. Now, would you have heard some of these names come through you as requested subpoenaed information?

Mr. LYLE. I don't recall what I've responded to in terms of subpoenas.

Mr. SHAYS. But lots of names of people, certainly more than just a handful.

Mr. LYLE. The subpoenas that I responded to could include both names and, you know, types of topics.

Mr. SHAYS. But lots of names, correct?

Mr. LYLE. I don't know.

Mr. SHAYS. Lots of e-mails.

Mr. LYLE. I'm sorry?

Mr. SHAYS. You were requested to turn over e-mails, right, that were in your system?

Mr. LYLE. Well, there again, there's a couple of ways that you proceed. Again, there's the automated records management search portion of the request which is coordinated by the counsel's office, and then, yes, you search your files, your e-mails, you search your hard copies, you search what's in your office.

Mr. SHAYS. But you had the central file system, correct? I mean, you have the names of a lot of people in your system.

Mr. LYLE. In our Automated Records Management System, yes. In the ARMS, there's a good number of people in the ARMS system.

Mr. SHAYS. I'm just trying to get beyond the point of your own little individual computer. You were in charge of the system.

Mr. LYLE. No, I think I understand what you're trying to get. Each person searches their space or their office or their documents that are in their—and then a request is submitted for an automated records management search to be done. That request is generated out of the counsel's office.

Mr. SHAYS. To you.

Mr. LYLE. No, not to me. It goes right into the IT people, information technology people, in the Automated Records Management System.

Mr. SHAYS. But it's fair for me to assume that you were aware, because the White House kept, frankly, criticizing so many committees in Congress that we were requesting too much information on lots of different names. So, I mean, you weren't in the Dark Ages on that. I mean, you must have heard complaints about all the e-mails that we wanted and all the records we wanted about so many different people.

Mr. LYLE. That's something that Mr. Heissner touched on earlier in this hearing.

Mr. SHAYS. So you were aware of it.

Mr. LYLE. Yes.

Mr. SHAYS. So what I'm trying to establish is what you were aware of and what you weren't. So you knew that Congress was looking at a lot of different people that worked in the White House and wanted a lot of different records, and that's one of your points, too, it was a costly effort to comply with that.

Mr. LYLE. Yes, it was costly.

Mr. SHAYS. Besides having to fix the problem. But you weren't in the Dark Ages about that. I feel better about knowing that. But what I don't feel good about is that you would then make an assumption that I think is—blows my mind that some of these e-mails would not have been subpoenaed e-mails.

Mr. LYLE. Some of which e-mails?

Mr. SHAYS. Some of these lost e-mails.

Mr. LYLE. I don't know what's on the backup tapes. I don't know what was sought in the subpoenas. I have no basis to know.

Mr. SHAYS. You have a little basis. You have a basis that to correct the problem is going to cost about \$600,000, that that was a big job and involved a lot of people. And what I'm hearing you say is that notwithstanding, you made an assumption that this didn't involve any subpoenaed records.

Mr. LYLE. No, I did not make an assumption. Two points. First, the reconstruction is not going to cost \$600,000, it's going to cost \$8 to \$10 million. The—

Mr. SHAYS. OK. I'm just going on the memos that you provided.

Mr. LYLE. That was an earlier statement of work that you're referring to, and that was just a cost for an assessment on how to fix it.

Mr. SHAYS. OK. So the problem is even bigger and involved a lot more people.

Mr. LYLE. It's going to take a long time and cost a lot of money. We are working as quickly as we can.

Mr. SHAYS. I understand. Trust me on that.

Mr. LYLE. That's the other portion. With respect to the subpoena issue that you keep asking about, when I was briefed in April 1999 about the Letter D problem, we were discussing in that meeting, OK, what has to happen and the subpoena problem.

Mr. SHAYS. You didn't know about the Mail2 problem then?

Mr. LYLE. As I said, my most—my best recollection is that I learned what I know most about the e-Mail2 project in the April 1999 meeting. And it was because it was—it served as a historical framework as far as how to deal with this letter D issue. And during the course of those conversations, Mr. Lindsey, who I worked for and who was my predecessor, had explained the process in terms of, listen, we need to notify the counsel's office, which is exactly what took place.

Mr. SHAYS. Why would we need to notify the counsel's office?

Mr. LYLE. Because you had this anomaly.

Mr. SHAYS. Why would the counsel's office have to be notified at all?

Mr. LYLE. Because Counsel's Office was responsible for responding to subpoenas.

Mr. SHAYS. So you did know there was a subpoena problem.

Mr. LYLE. I did not know—the e-Mail2 subpoena problem, as I understood it based on my conversations, had been resolved prior by Mr. Lindsey and Mr. Ruff. The letter D e-mail problem was a new issue that had just come up. It just occurred. It was discovered in April 1999. The same notification had to take place, and Mr. Lindsey worked to make sure that that happened. On Office of Administration's side what we needed to do is be sure that we had all the data on the backup tapes for the compliance with the other Federal Records Act.

Mr. SHAYS. Can I make a request, Mr. Chairman? This is the last line of questioning. I would like more time afterwards.

Mr. BURTON. We'll come back then. Let me just followup and ask one quick question. When did the White House go to—before the Appropriations Committee for the year 2000 budget?

Mr. LYLE. When did we go?

Mr. BURTON. Yeah. What month was that?

Mr. LYLE. I don't remember. It was in early 1999.

Mr. BURTON. It was in April, May, June?

Mr. LYLE. I believe it was in the February/March timeframe, somewhere in there. I would have to look.

Mr. BURTON. But you knew about the second e-mail problem, and you said that you were——

Mr. LYLE. I learned about that in April 1999.

Mr. BURTON. Kicking it up to Mr. Lindsey because you knew that there was a subpoena, and that had to be given to him, he had to be aware of that.

Mr. LYLE. I didn't know about a particular subpoena.

Mr. BURTON. You knew there were subpoenas pertaining—you knew about the previous subpoena on the previous e-mail problem.

Mr. LYLE. Certainly.

Mr. BURTON. You didn't connect the two?

Mr. LYLE. I'm sorry?

Mr. BURTON. You didn't connect the two, that the subpoena was relevant to the second missing e-mails as well?

Mr. LYLE. I didn't say that. I said in the context of discussing in the April 1999 meeting, we were discussing the letter D issue, we needed to make sure that information about that anomaly was conveyed to counsel's office because——

Mr. BURTON. I understand. But during this entire timeframe, you were crossing out or they were crossing out information that was going to be conveyed in the final document to the Appropriations Committee about the need for funds for the missing e-mails, and I just can't understand how you could miss all this when you were kicking things up to Mr. Lindsey, who was kicking them up to—to the chief counsel's office at the White House.

Mr. LYLE. As I said, Mr. Burton, I have no recollection of having seen these drafts in the February timeframe. I told you that earlier. I learned of them more recently when we were producing documents for this committee.

Mr. BURTON. Mr. Barr, do you have any further questions?

Mr. BARR. Just a few here if I could engage counsel just to colloquy or ask him a few questions.

Going back, counsel, to exhibit 61, which is the list of various names and numbers of e-mails, the handwritten numbers, the larger numbers on the very left of those pages, again, there's a number for each name, and that would represent the total number of e-mails in that individual's computer on that particular—and the day of June 18th.

Mr. WILSON. Correct.

Mr. BARR. The number immediately under the user's name would be the number that was not captured as of that day.

Mr. WILSON. That's also correct.

Mr. BARR. Thinking back, if counsel would, on counsel's legal training and understanding of the law, if you have, for example, as at the top of page NGL 00309 that the gentleman from Pennsylvania referred to earlier, Mr. Erskine Bowles, where you have the number of 1,108, which is 1,108 e-mails in Mr. Bowles' system that day, and 161, which would be the number that was not captured,

if, in fact, counsel had been advising that individual on that day to comply with the subpoena that required all of those e-mails, would he give Mr. Bowles an A because he was able to capture 90 percent?

Mr. WILSON. No, he would not.

Mr. BARR. In other words a subpoena, presuming it is lawful, whether it is from an independent counsel, the Government Reform and Oversight Committee, the Government Reform Committee of this Congress, or the House Judiciary Committee requesting certain documents including e-mails, it does not presuppose nor does it excuse that simply because a certain number of documents are not captured that day, that they did not have to be produced or they are not covered by the subpoena, correct?

Mr. WILSON. That's correct. And just to fill this on that, it was the understanding of the committee through representations made by lawyers for the White House that we had received all information that was germane to our subpoenas. We had not at any time been told that there was a universe of documents that had never been searched for responsiveness to our subpoenas. We were laboring under a misapprehension at that time.

Mr. BARR. We now know that we have not been furnished full, accurate and complete information pursuant to those lawful subpoenas. Is that correct?

Mr. WILSON. That is correct. We also know from not only this document, but subsequent to the discovery of this document, or at least the furnishing to the committee of this document, there have been other problems presented to us, one in particular that implicates the entire Office of the Vice President, where information—and the extent is still not entirely clear—but information of the Office of the Vice President has not been searched for responsiveness to committee subpoenas.

Mr. BARR. Is it also counsel's understanding based on his knowledge of Federal law and the law that pertains to enforcement of subpoenas that the cost of compliance with a subpoena is not a defense for failure to comply with that subpoena in whole or in part. Is that correct?

Mr. WILSON. No, it is correct, yes. The cost should not be a factor.

Mr. BARR. I would urge the witnesses to review their understanding in light of some of the statements made earlier by some other members of the committee in light of what counsel has just said that when a subpoena is issued, whether it is by an independent counsel, a committee of the Congress or some other legal proceeding or judicial officer, that full compliance is presumed, required and will be enforced either by an order of a court or a finding of contempt or a case of obstruction of justice for subsequent knowledge that a subpoena has not been honored.

The fact that there may be certain Federal laws that relate to retention of certain records for archival purposes, that does not dispose of the issue. If, in fact, a subpoena has not been complied with, if, in fact, as we now know, that the White House counsel, the Office of Administration, and indeed probably the Department of Justice knew that these subpoenas were not being complied with, then subsequent action certainly is relevant inquiry for this

committee, notwithstanding the fact that there may be technical compliance with the Presidential Records Act or the Federal Records Act, for example, because these records are maintained in some way, in some place, in some form for archival purposes, and that is the heart of at least part of the reason why this committee is very concerned about this.

The subpoenas have not been complied with. Apparently no efforts have been undertaken to secure compliance with those subpoenas, and the best that we are being told by this administration, by this Department of Justice is that in 6 to 8 months maybe something will happen. That will not—and in my experience as a former U.S. attorney, and I presume, counsel, in your experience as well as an attorney, that certainly would not get one off the hook in a legal proceeding, nor should it.

I commend you, Mr. Chairman, for holding these hearings, and I know there will be further, because some very important principles regarding the rule of law and the prerogatives, the lawful prerogatives of this committee, of the House impeachment and judiciary committees, the independent counsel and legal parties entitled to their day in court such as in the Alexander case have a great deal at stake here in ensuring compliance with lawful subpoenas. We have not seen that in this case, and that's very disturbing.

Mr. BURTON. Thank you, Mr. Barr.

Mr. Shays, did you have more questions?

Mr. SHAYS. Yes. Thank you.

Mr. Lyle, when Beth Nolan, the counsel of the President, testified on March 23rd, in her statement she said when the counsel to the President Charles Ruff was told by OA—that's your organization, before your time, in 1998, but OA is Office of Administration.

Mr. LYLE. OA, as I understand it, is Office of Administration.

Mr. SHAYS. When then counsel of the President Charles Ruff was told by OA in 1998 that there were e-mails that may not have been captured in a previous search because of a technical glitch—by the way, I buy that as a technical glitch. I don't debate that—he understood that OA would be collecting those e-mails so that any responsive e-mails that had not been produced could be produced. Now, responsive e-mails means requests for information or subpoenaed information.

Now, what Ms. Nolan is telling us is that Charles Ruff, the previous counsel, was told that all these e-mails would be provided, and you're hired later, and you're not providing that information. You've not providing the so-called responsive information. You are not providing the information, and e-mails that were subpoenaed. So it's kind of like you both are like ships passing in the night here. I mean, Mr. Ruff is saying you guys are going to provide it, and you're saying you made a decision that you saw this as an archive problem, not a subpoena problem, and therefore you decided that you would focus on other issues.

Mr. LYLE. I cannot shed any light for you, Mr. Shays, on the communications that took place between Mr. Ruff and Mr. Lindsey.

Mr. SHAYS. I understand that, but what I am just sharing with you is the fact that Mr. Ruff was told, according to Ms. Nolan, and she was under oath, that these e-mails had been captured, and

that they were—would be collected, and that all responsive e-mails—in other words, all the subpoenaed e-mails that hadn't been produced would be produced. So excuse me for, you know, just being a little cynical. His argument is I was told it was going to happen, you're hired, and you don't even know that there's any subpoena problem. And that's relevant information, and I accept it under the basis you've said it. But what am I supposed to think up here as a Member of Congress when I know these were subpoenaed information, and it wasn't provided, and Congress wasn't told, and Starr wasn't told, and the courts weren't told?

So, I guess we'll just keep trying to figure out who hired Craig Livingstone, and we'll try to figure out who knew what when. And I just wish someone would help us out.

I yield back.

Mr. HORN. Mr. Chairman, if I might on this question?

Mr. BURTON. Yes. The gentleman from California.

Mr. HORN. Gentlemen, I'm sorry I had to come in late, but it triggered me on the question of who hired Mr. Livingstone because I asked that question, and Mr. Clinger, then the full chairman, sent it to the Attorney General and made it very clear that one of our witnesses which was counsel to the President had committed perjury. And so I wonder if any of you have any information on that.

I don't think that this committee has ever received a reply from the Department of Justice, and there's no question, the question I asked was, was it Vice President Gore, was it the First Lady, etc. And I think they knew, and they lied. So I would like to see an answer to Mr. Clinger's letter to Mr. Burton at the time.

Mr. ZWERLING. I am advising my client to take the fifth amendment on that, Your Honor.

Mr. BURTON. Does the gentlemen have any more questions?

Mr. HORN. That's it, because I'm tired of lies.

Mr. BURTON. Well, I want to thank you both for being so patient. And we'll now go to the next panel. Thank you very much for being with us.

Mr. Raben, we're glad that you're with us. We're sorry that you had to wait so long. While you're standing, would you take the oath?

[Witness sworn.]

Mr. BURTON. Be seated.

Do you have an opening statement, Mr. Raben?

Mr. RABEN. Yes, sir I do. I'll get to it right now.

Mr. BURTON. All right. Take your time.

Proceed, Mr. Raben.

STATEMENT OF ROBERT RABEN, ASSISTANT ATTORNEY GENERAL FOR LEGISLATIVE AFFAIRS

Mr. RABEN. Thank you, sir. Mr. Chairman and members of the committee, I am here today in response to your request by letter of April 26th. As the committee understands, many of the questions posed in the chairman's letter of April 26th relate to matters and activities in which I have had no personal involvement, but I have prepared as best I can in the days since the chairman's letter to answer the committee's questions consistent with the Department's and the public's fundamental interest in effective law enforcement.

More than a month ago, the Department's Criminal Division, acting through the Campaign Finance Task Force, began an investigation into whether the Executive Office of the President complied with subpoenas issued by the task force and this committee. In conjunction with that inquiry, Criminal Division attorneys conferred with representatives from the Office of Independent Counsel because the Office of Independent Counsel had commenced its own investigation into nearly identical allegations surrounding the White House e-mail retrieval issues.

Thereafter on March 22nd, the Office of Independent Counsel explicitly authorized the Department of Justice to continue its investigation pursuant to the Ethics in Government Act, which provides in pertinent part that whenever a matter is in the prosecutorial jurisdiction of an independent counsel, the Department of Justice shall suspend its investigation regarding such matter unless the independent counsel agrees in writing that such an investigation may be continued by the Department.

Since last month when the independent counsel authorized the Department to continue its investigation of the e-mail retrieval issues, the independent counsel and the Campaign Finance Task Force have been working in coordination conducting many joint interviews and reviewing numerous documents and other evidence. This criminal investigation is active and ongoing.

Several of the questions in the chairman's letter of April 26 relate explicitly to matters currently under review in this criminal investigation. As I have explained in my letters on this and other committee requests, disclosure of matters involving an open investigation can compromise the efforts of prosecutors and FBI agents to enforce Federal law. Experienced prosecutors tell me that it would undermine law enforcement if defendants or prospective defendants learn the government's factual or legal theories or what information the government had gathered and from what sources. Even neutral witnesses can have their recollections influenced or confused by public disclosures of statements or speculation from other witnesses.

The disclosure of raw or preliminary investigative information that has yet to be fully investigated or substantiated can also damage unfairly the reputations of innocent individuals and mislead the public about the underlying facts.

Finally, congressional inquiries into ongoing investigations create the added danger of undermining the credibility of law enforcement by injecting or appearing to inject political considerations into the criminal justice process.

Therefore, at this time, the Department cannot comment about any particular actions that have been undertaken or may be undertaken during the course of the ongoing investigation into the e-mail retrieval issues. Nor can I comment on who at the White House or Justice Department may have known what and when about the e-mail retrieval issues as that is part of the ongoing criminal investigation. All I can do is convey the assurance of the Campaign Finance Task Force that the prosecutors working in coordination with the Office of Independent Counsel will follow the facts and the law wherever they may lead.

You have also asked why the Department has not agreed to make the Civil Division attorneys working on the Alexander case available to the committee for interviews. My letter of April 12 identified several reasons why the Department declined the committee's request. As I stated in that letter, the committee's proposed inquiry relates directly to the ongoing criminal investigation now under way by the Campaign Finance Task Force and the Office of Independent Counsel. In the Alexander case, the Department asked Judge Lamberth to defer consideration of the e-mail retrieval issues precisely because multiple investigations of the same conduct and multiple interviews of the same witnesses would interfere with and undermine the ongoing criminal investigation.

Just last week Judge Lamberth agreed to continue deferring consideration of the e-mail retrieval issue. The court's judgment that this investigation should proceed before a public airing of these allegations also is applicable, in our view, to the committee's request to interview the Civil Division attorneys assigned to the Alexander case. In the Department's view, committee interviews of these attorneys would interfere with and may undermine the ongoing criminal investigation.

In addition, the committee's proposed inquiry of the lawyers in the Civil Division runs counter to the Department's view that line attorneys and agents should not be required to answer questions from Congress about the conduct of litigation or the pending criminal investigation. We try our hardest to ensure that the Department's line attorneys and agents can exercise the independent judgment essential to effective law enforcement and litigation. That independent judgment is seriously threatened when Congress seeks to question Department attorneys or agents about the actions they took and the litigation decisions they made in an ongoing case.

There have been bipartisan objections to congressional inquiries of Department line attorneys, even when those attorneys have been sought to explain matters that have concluded. Former Attorneys General Barr and Civiletti have argued against subpoenas to line assistant U.S. attorneys as has former Acting Attorney General Stuart Gerson. The American Bar Association has also argued against it. The bipartisan National Association of Former U.S. Attorneys sent a letter to Assistant Attorney General Robinson last month making the point that the effect on morale and the prosecutorial process would be devastating if career prosecutors were called before Congress to explain and defend their decisions.

Similarly, Mr. Chairman, we are not in a position at this time to answer your questions or provide documents about the recent interviews of the President or Vice President conducted in furtherance of the ongoing campaign finance investigations. As I mentioned in my letter of December 30, 1999, the prosecutors and agents assigned to the Campaign Finance Task Force continue to pursue actively any and all criminal violations of the campaign finance laws. The questions asked of the President and Vice President, like those addressed to other recent witnesses, pertain to ongoing campaign finance criminal investigations. To date these investigations in which the President and Vice President have been interviewed a total of 7 times have produced 24 prosecutions with 16 convictions and 6 cases awaiting trial. Producing witness sum-

maries and documents about recent interviews would risk compromising the ongoing investigations and undermine the confidentiality that is essential to effective law enforcement.

Mr. Chairman, I appreciate the committee's oversight interest in this matter, and I understand the committee's frustration with the Department's pending matter policy, but I also know the committee respects deeply the responsibilities of the Attorney General to enforce the law, and I know the committee has tried to avoid any action that would jeopardize the effectiveness of this or any other criminal investigation. I continue to hope that we can work together to accommodate the committee's legitimate oversight needs while protecting the integrity of our law enforcement efforts. I will continue to try to do everything I can to make that possible. If I could have that introduced into the record.

Mr. BURTON. Without objection.

[The prepared statement of Mr. Raben follows:]



Department of Justice

STATEMENT

OF

ROBERT RABEN
ASSISTANT ATTORNEY GENERAL

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES

CONCERNING
WHITE HOUSE E-MAILS

MAY 3, 2000

STATEMENT FOR ROBERT RABEN

Mr. Chairman and Members of the Committee, I am here today in response to your request by letter of April 26, 2000. As the Committee understands, many of the questions posed in the Chairman's letter of April 26th relate to matters and activities in which I have had no personal involvement. But I have prepared as best I can, in the few days since the Chairman's letter, to answer the Committee's questions, consistent with the Department's and the public's fundamental interest in effective law enforcement.

The White House E-Mail Investigation

More than a month ago, the Department's Criminal Division, acting through the Campaign Finance Task Force, began an investigation into whether the Executive Office of the President complied with subpoenas issued by the Task Force and this Committee. In conjunction with that inquiry, Criminal Division attorneys conferred with representatives from the Office of Independent Counsel because the Office of Independent Counsel had commenced its own investigation into nearly identical allegations surrounding the White House email retrieval issues. Thereafter, on March 22, 2000, the Office of Independent Counsel explicitly authorized the Department of Justice to continue its investigation pursuant to the Ethics in Government Act, which provides in pertinent part that whenever a "matter is in the prosecutorial jurisdiction of an independent counsel," the Department of Justice shall "suspend" its investigation regarding "such matter" unless the independent counsel "agrees in writing" that such an investigation "may be continued" by the Department. 28 U.S.C. s 597(a).

Since last month, when the Independent Counsel authorized the Department to continue its investigation of the email retrieval issues, the Independent Counsel and the Campaign Finance Task Force have been working in coordination, conducting many joint interviews and reviewing numerous documents and other evidence. This criminal investigation is active and ongoing.

Several of the questions in the Chairman's letter of April 26, 2000, relate explicitly to matters currently under review in this criminal investigation. As I have explained in my letters on this and other Committee requests, disclosure of matters involving an open investigation can compromise the efforts of prosecutors and FBI agents to enforce federal law. Experienced prosecutors tell me that it would undermine law enforcement if defendants or prospective defendants learned the government's factual or legal theories or what information the government had gathered and from what sources. Even neutral witnesses can have their recollections influenced or confused by public disclosures of statements or speculation from other witnesses. The disclosure of raw or preliminary investigative information that has yet to be fully investigated or substantiated can also damage unfairly the reputations of innocent individuals and mislead the public about the underlying facts. Finally, Congressional inquiries into ongoing investigations create the added danger of undermining the credibility of law enforcement by injecting, or appearing to inject, political considerations into the criminal justice process.

Therefore, at this time, the Department cannot comment about any particular actions that have been undertaken or may be undertaken during the course of the ongoing investigation into the email retrieval issues. Nor can I comment on who at the White House or Justice Department may have known what and when about the email retrieval issues, as that is part of the ongoing

criminal investigation. All I can do is convey the assurance of the Campaign Finance Task Force that the prosecutors, working in coordination with the Office of Independent Counsel, will follow the facts and the law wherever they may lead.

You have also asked why the Department has not agreed to make the Civil Division attorneys working on the Alexander case available to the Committee for interviews. My letter of April 12, 2000, identified several reasons why the Department declined the Committee's request. As I stated in that letter, the Committee's proposed inquiry relates directly to the ongoing criminal investigation now underway by the Campaign Finance Task Force and the Office of Independent Counsel. In the Alexander case, the Department asked Judge Lamberth to defer consideration of the email retrieval issues precisely because multiple investigations of the same conduct, and multiple interviews of the same witnesses, would interfere with and undermine the ongoing criminal investigation. Just last week, Judge Lamberth agreed to continue deferring consideration of the email retrieval issue. The Court's judgment that this investigation should proceed before a public airing of these allegations also is applicable in our view to the Committee's request to interview the Civil Division attorneys assigned to the Alexander case. In the Department's view, Committee interviews of these attorneys would interfere with and may undermine the ongoing criminal investigation.

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judgment is seriously threatened when Congress seeks to question Department attorneys or agents about the actions they took and the litigation decisions they made in an ongoing case.

There have been bipartisan objections to Congressional inquiries of Department line attorneys, even when those attorneys have been sought to explain matters that have concluded. Former Attorneys General Barr and Civiletti have argued against subpoenas to line Assistant United States Attorneys, as has former Acting Attorney General Stuart Gerson. The American Bar Association has also argued against it. The bipartisan National Association of Former United States Attorneys sent a letter to Assistant Attorney General Robinson last month making the point that the effect on morale and the prosecutorial process would be "devastating" if career prosecutors were called before Congress to explain and defend their decisions.

Interviews of the President and the Vice President

Similarly, Mr. Chairman, we are not in a position at this time to answer your questions or provide documents about the recent interviews of the President or Vice President, conducted in furtherance of the ongoing campaign finance investigations. As I mentioned in my letter of December 30, 1999, the prosecutors and agents assigned to the Campaign Finance Task Force continue to pursue actively any and all criminal violations of the campaign finance laws. The questions asked of the President and Vice President, like those addressed to other recent witnesses, pertain to ongoing campaign finance criminal investigations. To date, these investigations, in which the President and Vice President have been interviewed a total of seven (7) times, have produced twenty-two (22) prosecutions, with sixteen (16) convictions and six (6) cases awaiting trial. Producing witness summaries and documents about recent interviews would

risk compromising the ongoing investigations and undermine the confidentiality that is essential to effective law enforcement.

Mr. Chairman, I appreciate the Committee's oversight interest in this matter, and I understand the Committee's frustration with the Department's pending matter policy. But I also know that the Committee respects deeply the responsibilities of the Attorney General to enforce the law, and I know the Committee has tried to avoid any action that would jeopardize the effectiveness of this, or any other, criminal investigation. I hope we can work together to accommodate the Committee's legitimate oversight needs while protecting the integrity of our law enforcement efforts. I will do everything that I can to make that possible.

Mr. RABEN. There are two small but important mistakes in the written testimony, but not in the oral that I know that I just said. In the first paragraph, on page 1 of the written, it says, "In the few days since the Chairman's letter was sent," but it has been 7 days, and I appreciate your forewarning of the questions.

Also on page 4, the written testimony says that the investigation has produced 22 prosecutions. I'm told this morning it's been 24. I appreciate that.

Mr. BURTON. Well, we were going to—did you want to—you want to make some opening? You want to have some opening questions on your side? We're going to go to our counsel.

Mr. WAXMAN. Go ahead.

Mr. BURTON. We'll go with our counsel. Let me just say as I yield to our counsel, you talked about the record of the Attorney General and the Justice Department. Charlie Trie, who fled the country and was in China for some time, got virtually a slap on the wrist, no jail time and a very small financial penalty. John Huang likewise got some community service time, a slap on the wrist and a very small financial penalty, and that's the administration of justice that we have seen.

When you cite all of these convictions and all of these people being brought to justice, it rings hollow, at least with this chairman, because people who are very, very instrumental in bringing millions of dollars into the DNC and the President's reelection committee were never really brought to justice. They just got a little slap on the wrist, and we think that's—we think that's an aberration of what justice is all about. We don't think that's what the administration of justice should be.

Go ahead, Mr. Wilson.

Mr. WILSON. Mr. Raben, good afternoon. I'll try and be as brief as possible on these questions, and indeed your opening statement and the letter that was furnished to this committee early this morning answered some of the questions that we were going to ask. So thank you for providing the answers albeit at a late date.

We are aware that the Campaign Finance Task Force and the Office of Independent Counsel are conducting a joint investigation, and indeed in your opening statement you said that the OIC and Justice Department have even conducted joint interviews of individuals. Do you know whether there's ever been a joint investigation like this between the Department of Justice and any Office of Independent Counsel?

Mr. RABEN. It's a good question. I don't know. I'll find out for you.

Mr. WILSON. The reason I asked, it's one of the questions we posed to you in our letter last week. We're interested in knowing whether it is appropriate to conduct such an investigation. Is it indeed appropriate for the Department of Justice and the Office of Independent Counsel to engage in a collaborative effort?

Mr. RABEN. Thank you. It's the view of the Department of Justice that we have the legal authority, and it is appropriate. I can't and wouldn't speak for the independent counsel, but the independent counsel explicitly authorized the Department of Justice to pursue the investigation, and the authority under which that authorization was exercised was 28 USC 597(a).

Mr. WILSON. I read your statement with interest, and I know 28 USC, section 597, and it allows any Office of Independent Counsel to authorize the Department of Justice to investigate a matter, but that's a different issue than we're facing today. It is certainly true that the Office of Independent Counsel could authorize the Department of Justice to investigate the same matters that it itself is investigating. The statute provides that, but is it appropriate, is it indeed legal for the Department of Justice and the Office of Independent Counsel to engage in a collaborative effort?

Mr. RABEN. I think it's a fair and interesting question. I can only speak for one of the parties engaged, which is the Department of Justice thinks it is appropriate to coordinate and has coordinated with the OIC on this matter. I don't know if joint—I'm not quibbling with you. I don't know the joint investigation is a term of art. I don't—I'd be very hesitant to overcharacterize or undercharacterize, for that matter; that is, I don't want to say anything inaccurate. To the extent—let me tell you the extent of my knowledge is that we were—the Campaign Finance Task Force is coordinating in a way that they think is appropriate with the independent counsel. Again, I can't speak for the independent counsel.

I do know that Judge Lamberth has been hearing from the Campaign Finance Task Force. I don't know, I assume he has been hearing from the independent counsel, but again, I don't know about that prong, but Judge Lamberth himself has been hearing from the Campaign Finance Task Force about the pace and substance of their investigation.

Mr. WILSON. I'll put a request to you now that you provide an answer to the committee as to whether it is indeed provided for in the statute that there can be a collaborative effort. I don't want to get theoretical here. It's my understanding that the Office of Independent Counsel and members of the Department of Justice are sitting in the same room interviewing people at the same time, and one concern is that undercuts the very nature of independence that is in the title of independent counsel statute.

So that's something perhaps we can't resolve today, but if you could provide for us the legal analysis that allows that to happen. If you could tell us what the safeguards are that would insulate the task force and this—and the independent counsel investigation from political influence or supervision at the Department of Justice. What special safeguards have you built into this particular collaborative effort?

[The information referred to follows:]



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 19, 2000

The Honorable Dan Burton
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This responds to the Committee's outstanding questions from the Committee's hearing on May 3rd regarding White House e-mail issues. I request that this response be entered into the hearing record.

Many Independent Counsels have worked closely with the Department of Justice on various matters. The Act contemplated and encouraged consultation with the Department about the Departmental policies and practices. Where factual matters overlap, the Department and an OIC have frequently worked closely together to avoid duplicating or impeding the work of each other. See United States v. Wilson, 26 F.2d 142 (D.C. Cir. 1994) (joint prosecution by OIC and a U.S. Attorney's Office authorized by Independent Counsel Act).

In this particular instance, the OIC explicitly authorized the Department to continue investigation of the White House e-mail matter pursuant to the provisions of the Ethics in Government Act. See 28 U.S.C. 597(a). The current investigations by the OIC and the Campaign Financing Task Force are being conducted "cooperatively" but not "jointly." There are built-in protections for both the OIC and the Department relating to the investigation. For example, although there have been joint interviews where it was in the mutual interests of the Office of the Independent Counsel and the Task Force, each office makes its own investigative and prosecutorial judgments. Additionally, by agreement, neither agency can take any investigative action that would impair the ability of the other to fulfill its investigative mandate. This would include, for example, immunizing a witness or otherwise entering into an arrangement with a witness to secure his/her cooperation.

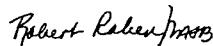
You asked several questions bearing on whether the Department has provided assistance to the White House in connection with the Committee's hearings on the email matter. Specifically, you asked whether the White House consulted the Office of Legal Counsel (OLC) regarding claims of privilege with respect to documents the White House initially withheld but then produced to the Committee on May 2nd. I am informed that the answer to that question is "no." The White House did not request, and OLC did not provide, any assistance with respect to the White House's response to the Committee's request for those documents. The White House

did request other assistance from OLC prior to one hearing. In response, OLC provided the White House with pre-existing documents and general information about historical precedents and policies that guide the executive branch when it responds to congressional oversight. OLC did not provide advice regarding the application of the precedents and policies to specific facts or circumstances or how to respond to particular requests for documents or testimony. Lastly, the Department did not authorize Jason Baron or any other Civil Division attorney to assist the White House in connection with these hearings.

With respect to Congressman Barr's question regarding the benefit to the Department of discussions with counsel for the President and the Vice-President concerning their witnesses' upcoming interviews, pre-interview communications about the general areas of anticipated questioning occur often during white-collar criminal investigations to ensure that the witness is focused and prepared. Analogous to your letter to me in advance of my recent testimony before your Committee (in which you identified various subject matters you wanted to explore during the hearing), the Department's communication to a witness in advance of an interview can enable the questioning to proceed more efficiently and productively. I am informed, however, that there was no "deal" with either the President or Vice President that prohibited questions on a topic that had not been previously identified.

I hope that this information is helpful. Please do not hesitate to contact me if you would like additional assistance regarding this or any other matter.

Sincerely,


Robert Raben
Assistant Attorney General

c: The Honorable Henry Waxman
Ranking Minority Member

Mr. RABEN. I can't speak to every one of them because I don't—the demands of my job are such that I can't participate in every conversation or every meeting on all the important things going on at the Department of Justice all the time. That being said, I know that the Department and the individuals who are charged with doing the different components of what I—what we all know to be a multifaceted issue here are careful to respect the lanes, and it is not uncommon for the Department to find itself in a position where in the normal course of representation of an agency, or in this case Executive Office—

Mr. WILSON. I respect that. What I'm asking is, is there anything special that's been done in this particular case to set up a firewall? Do you know of anything different in this case than any other case?

Mr. RABEN. I need more information to answer you properly because I haven't participated in other cases, so I don't know if this one is different, and no one has said in this case we have to do it unlike any other case. I can tell you what I witnessed, which is a division, and it's a division and a reminder that there are different lanes, and that the divisions need to respect those lanes, and that division, as I say, has been monitored by Judge Lamberth.

Mr. WILSON. I will ask if you would, please, in the not-too-distant future, if you could provide for us the analysis of what has been done, if anything. Perhaps it's the same situation that's been set up for the task force. Maybe there's nothing different, and if there is nothing different, that's the answer, and that's acceptable in terms of the answer.

On March 27, which is now, I guess, 5 weeks ago, the chairman of the committee made a request to the Department of Justice to appoint a special counsel to investigate the e-mail matter. As of this date, there has been no response to the request, and now that you're here, perhaps you can provide us an official response if there is one.

Mr. RABEN. Yes. The official response is that we continue to work on it, that it's a serious request, and that it's being taken seriously. At the risk of not being seen as a team player at the esteemed Department of Justice where I'm very happy to be employed, I would have hoped that we could have provided an answer even to ourselves earlier than now. I know that we said in a letter to you of April 12 that we'd get you an answer promptly, and I continue to hope that it's promptly, and that's the best I can do.

Mr. WILSON. From the perspective of the committee, we have asked this question because an awful lot has happened in the last 5 weeks.

Mr. RABEN. I'm reminded by folks, and clearly this is not on all fours, but I'm reminded that under the then existing independent counsel statute, the Department had 90 days to determine, but I would fully hope that we would get you an answer long before 90 days.

Mr. WILSON. Let me—I'll work into this slowly. Do you know when the Justice—

Mr. BURTON. Excuse me. Let me just interrupt here. I don't know what kind of timeframe would be allowable, but we would certainly hope it would be quicker than 90 days. In fact, it doesn't seem like it's that difficult a decision to make. We're talking about the Jus-

tice Department being on both sides of an issue. You have one division of the Justice Department on one side and another on the other side. How can the Justice Department work against itself? That's the issue, and I don't think that issue should take 90 days or 30 days. We need to have an answer back, and the Attorney General and her top aides over there ought to be able to sit down and resolve this in a matter of a few hours.

Mr. RABEN. It's not the Department of Justice working against itself. I know that that characterization has been said before, but there are, as I understand it, a group of career employees in the Civil Division about whom allegations have been made. Allegations became sufficient such that the Campaign Finance Task Force thought it appropriate to open a criminal investigation. Once that occurs, the ordinary course of business is to stay or defer that aspect of a civil litigation, in this case the Alexander case, which might be implicated or interfere with the criminal investigation, which we think takes primacy. We think that's the most important thing.

I appreciate the characterization that's been made that it's the Department of Justice working against itself, but I have learned that, in fact, it is not uncommon for——

Mr. BURTON. I want to make sure I understand. What you're saying is the civil case is, in essence, being put on hold while the criminal case proceeds?

Mr. RABEN. No, I don't mean to say that, and if I did, I apologize. Those aspects of the civil case, the Alexander litigation, which are implicated by the criminal investigation are deferred, but they are only deferred through the approval of Judge Lamberth. We can't do that on our own, but the Campaign Finance Task Force folks go to the judge and engage him on the progress of the criminal investigation, and the judge makes a decision of what pace, what aspects of the civil litigation should be deferred or not.

Mr. BURTON. But the request has been made that he defer action on the civil case until the criminal case has been resolved. That's what they requested of the judge, right?

Mr. RABEN. I'm with you 92 percent of that, I think. I have to go look at the filing again.

Mr. BURTON. In essence, what the Department of Justice is asking for is a deference of the civil case while they run out the clock on the criminal case.

Mr. RABEN. They are asking for a deferral of those aspects of the civil case. There are aspects of the Alexander case which precede. There are aspects which we asked to defer, and the judge has taken it——

Mr. BURTON. Taken it under advisement.

Mr. RABEN. Taken it under advisement, thank you.

Mr. WILSON. There are two real-world problems that have come up, and maybe they are not of great significance at the end of the day, but help me work through these. One, it has come to our attention that when the Mail2 problem was discovered, individuals at the White House contacted a Department of Justice attorney named Jason Baron, and we have no idea what that contact entailed, but the White House reached out to a Department of Justice lawyer named Jason Baron. Yesterday, late in the afternoon, we

were provided documents by the White House that had been kept from us subject to claims of privilege, and on one of the documents there was the name Jason Baron and his telephone number.

Now, we have not had an opportunity to ask people what happened, and we'll do that in the future, but we have been asking to talk to Department of Justice attorneys, and you have very respectfully declined our requests and said, we cannot do that. I am wondering whether you know if the Department of Justice has or has not authorized Mr. Baron to talk to anybody in the White House?

Mr. RABEN. I don't know that.

Mr. WILSON. We would very much like you to find that out if you could.

Mr. RABEN. Whether the Department has authorized Mr. Baron to talk to anyone in the White House?

Mr. WILSON. Yes. It's my understanding that Mr. Baron, who may not be employed by the Department of Justice now, but falls under the same constraints that you apply to us under your request for line attorneys to testify—we are prevented from having line attorneys to talk to in this particular case, and yet we were very surprised by a contemporaneous notation of Mr. Baron's name with his telephone number on top written by somebody who is employed by the White House.

We do not know whether there's been a contact or not, but this is one of the real-world problems that we face. We ask for a special counsel because we're concerned by the types of appearances and problems that occur when the Department of Justice is investigating, first of all, its own lawyers, and second of all, people in the White House counsel's office. That's one thing. I will return to that slightly in a moment.

Second thing is documents were withheld from us temporarily by the Department of Justice under claims of privilege. Do you know whether the White House consulted with the Office of Legal Counsel regarding claims of privilege?

Mr. RABEN. I don't have any information about that.

Mr. WILSON. That's another question we would very much like you to answer because in the past when the White House has decided to embark upon considering claims of executive privilege, as has indeed happened in this particular case, the White House has gone to the Office of Legal Counsel.

Now, this committee obviously would have a particular concern with the White House going to the Department of Justice, which is already on both sides of the same case, and getting a reading as to whether the Department of Justice concurs with a claim of privilege, and this is another conflict that we've seen just in the last week potentially.

So again, if you could provide an answer to that specific question.

Mr. RABEN. There's two prongs to that. I'll find out, and then I have to find out what the restrictions are in revealing what I find out. Help me out. What's the conflict in—I don't know that they did, and I'll try to find out, but what's the conflict in the White House asking about the legal aspects of asserting a privilege which is the White House's to assert, which I understand they didn't assert?

Mr. WILSON. I don't want to be mysterious. Congress wants documents. Just as we would have liked to have had full searches of all this universe of e-mails back 2 years ago and not have had to wait all this time, Congress has asked for information, and the White House decided to take an approach that would have denied the committee access to certain documents. And one of the questions we would ask is whether the Department of Justice was at all complicitous in preventing documents from coming to Congress. That's part of, again—

Mr. RABEN. They didn't assert privilege, right? A person mentioned they were thinking about it?

Mr. WILSON. There was a delay. Documents were not produced to us immediately. So we'd like to know whether the Department of Justice was providing legal services. Did the Department of Justice provide legal service to the White House in a case that is already on two sides of the issue?

Mr. BURTON. Let me ask a question for clarification. The gentleman's name that was in the margins of this document that was delivered to us and his phone number, is he a member of the Department of Justice?

Mr. WILSON. Mr. Baron was the Department of Justice attorney. He apparently has been teaching at a university in Canada and is on his way back to the United States. He's going to be taking up a position apparently in the U.S. Government. We do not know his current—

Mr. BURTON. Is he on sabbatical from the Department of Justice or on leave?

Mr. WILSON. We don't know.

Mr. RABEN. I'll find out his status, sir. I'm glad his name—I'm not glad his name came up, but since his name has come up, I answered—I was told yesterday—you had asked me the last time I was here the Civil Division attorneys that worked on the case, and I ultimately was able to provide toward the end of that hearing a list of four or five people. Apparently Mr. Baron is one of the attorneys who worked on the case. He was not—his name does not appear on the pleadings apparently.

Mr. BURTON. But he's one of the attorneys that worked on the civil case?

Mr. RABEN. Yes.

Mr. BURTON. Those documents that we received, were those regarding the civil case?

Mr. WILSON. The documents we've received appear to be documents that relate to members in the White House trying to find out what's happening in this matter right now. So it appears to be the White House gathering information, and so we might say they are doing their homework right now, and the simple way of putting it is has the Department of Justice helped the White House do their homework to prepare for these hearings? And we will be hearing from former White House and current White House employees tomorrow. The simple question is has the Department of Justice, notwithstanding this potential conflict, helped the White House prepare for the hearings that we're putting on right now?

Mr. RABEN. I have no knowledge of that. I have not—I have stayed away from that, but I'll find out.

Mr. WILSON. If you could followup on that. That would be very helpful.

Mr. RABEN. Yes.

Mr. WILSON. Just to stay on the line attorney policy for just a moment, I worked at the Department of Justice. I'm extremely sympathetic to the Department of Justice's line attorney policy. As I've pointed out to you and associates who are behind you, the committee has a conceptual problem with the way the Department has handled the line attorney policy. We are well aware that line attorneys have been made available to Chairman Dingell's subcommittee, in the Rocky Flats dispute. They've testified to us in Waco investigations we've conducted. Senator Specter recently had line attorneys testify before him in the Senate.

There appears to be a unifying factor in all of this, and that is when the line attorneys have been able to tell a story that's helpful to the Department of Justice, they have been provided for questioning. Now, what I'd like, if you could help us with this, if you could distinguish the situations where line attorneys have testified before Chairman Dingell, before ourselves in the Waco investigation, before Senator Specter, just in the last few weeks from our request to have access to line attorneys that we would like to talk to.

Mr. RABEN. I can convey to you the distinctions that are conveyed to me. The distinctions are either fact witness, subpoena, or mistake. Those are the three basic exceptions—not exceptions, but those are the three basic defenses or justifications, if you will, that I have been able to discern distinguishing one matter from another.

I hear your neutral principle that we serve it up when it tells a good story or not. I'd be eager to talk with you more about that. And I don't mean this flippantly, but I think we would serve up a lot more if that were the neutral principle. That would be my sense. I am more comfortable—as one of the spokespersons for the Department and my name goes on a letter, I'm more comfortable articulating the policy along the lines of the following: We try mightily, and we do almost everything we can to prevent line attorneys from testifying in public or responding, especially during an ongoing matter, to questions from Congress about how they are handling a case, both the strategy and the substance of the case. Sometimes those efforts are successful from our point of view, and sometimes they are not.

Mr. WILSON. I appreciate that, and what you say makes sense to us, but in this case we're not looking for strategy in a case. We're not looking for the substantive material that's being discussed in the case. The conduct of the attorneys themselves is under investigation both by the Department of Justice and the independent counsel and by this committee.

Let me just try and at least clarify one thing that's been now outstanding for a year and a half, and that is it was represented to us by the very colleague that's sitting behind you 18 months ago that the principle that the Department of Justice was standing on is that if line attorneys had talked to the press, that was a deciding factor in making them available to testify before Congress. That was not one of the three factors you just cited a moment ago, and I would like to know and the committee would like to know finally

whether that is indeed a principle that you hold out as having any relevance whatsoever to your decision.

Mr. RABEN. Oh, you asked an easier question than I thought you were going to ask. Does it have any relevance? I think that every—I think that we treat every accommodation and every committee as *sui generis*. The use of *stare decisis* in these cases has confused me from the moment I got to the Department. In that sense, it's relevant. I have disagreements with my superiors and people with whom I work and myself on any number of matters, small and large, and I think I need to continue to learn more about this one, but I would go so far to say it would be a relevant factor, but I wouldn't consider it dispositive.

Mr. WILSON. Let me turn to another subject very quickly, if we may. At the last hearing at which you testified, we had asked for your assistance in providing the names of Civil Division lawyers who had worked on the e-mail matter in the Alexander case, and you have provided those names, and we are grateful for that. Can you tell us the lawyers who actually participated in preparing the affidavit submitted by Daniel Barry in the Alexander case?

Mr. RABEN. Not yet. I can't yet. That is a key fact. I presume it's a key fact. It's a fact in the ongoing criminal investigation. Who said what to whom and when and whether or not there was anything inappropriate in consultation or action vis-a-vis that affidavit is a fact that is being vetted by the criminal investigation.

Mr. BURTON. You know who it is?

Mr. RABEN. No, I don't. Because I knew I could not speak about it, there was no reason for me to inquire.

Mr. BURTON. How long ago has it been since we asked for that? About a month. Unless it's covered by grand jury or 6(e) or an ongoing investigation, we would like to know who that was or who they were. Can you speed that up for us? It's been a month.

Mr. RABEN. I can ask the criminal investigation to speed their investigation up. Absolutely.

Mr. BURTON. It can't be that hard to find out who participated in helping with that document.

Mr. RABEN. You're right, but I wouldn't be able to reveal that information even if I knew it until the criminal investigation is complete.

Mr. WILSON. This morning we received a letter from the Attorney General that was helpful in explaining in very general terms a decision that has been made. The committee has subpoenaed recent interviews of the President and the Vice President, and this morning we learned in a letter from Attorney General Reno to the chairman that the Department of Justice would not provide those—the interview summaries of those two interviews, and I'd like to—we understand the rationale of the letter. We understand your basis. However, the first question is, is it true to say that everything in those interviews pertains to ongoing cases?

Mr. RABEN. I don't know. I don't know. I presume that is—

Mr. WILSON. I don't think that's answered in the letter, and I don't think it's answered in your statement, so it won't help to look back. If you could answer that question as well. What you are representing to us is that we cannot have these interview summaries. Now, we have been for the last 3 years very respectful of all re-

quests from the Department of Justice to not interfere with ongoing investigations. In the Johnny Chung hearing we kept names off of the table. In the Trie hearings, in the Huang hearings we did not ask certain questions because we were requested not to, and we have been respectful of the 6(e) policy, and we have been respectful of ongoing investigations.

So simply put, the question is if there is material that does not pertain to ongoing investigations, then we should at least have an expectation to receive that information.

Mr. RABEN. Right. I can confirm that the interviews were conducted in furtherance of an ongoing investigation. You know that, but you're asking a more nuanced question, if there are 2, 3, 4, 5, 8, 9, 10 questions that are clearly relevant to a closed investigation?

Mr. WILSON. Closed or not open. I'll give you a specific example because it helps explain what I'm saying. The committee has been publicly very critical and the chairman has made many statements about the failure of the task force to ask the Vice President about the Hsi Lai temple, Buddhist fundraiser. Many, many times the chairman has said not one single question was asked of the Vice President. It is our understanding that questions were asked of the Vice President at his recent interview about the Buddhist temple fundraiser.

Now, we have been told that the Vice President is not under investigation. There has already been a prosecution of Maria Hsia. It's difficult for us to understand what is ongoing about this investigation unless you were to try and say that it was the contempt prosecution of the nuns or something else, but there appears to be nothing ongoing. Indeed it would be manifestly unfair to question somebody after the prosecution of Maria Hsia if this issue was still ongoing. So what we don't understand is what is off the table, what is ongoing about the Buddhist temple fundraiser?

Mr. RABEN. Right. You've been told in a variety of fora orally and in letters that the Campaign Finance Task Force is pursuing ongoing investigations, and that's a dynamic concept. Things close, and they learn new information, as would be the case, I assume, in many prosecutions. That may reopen something.

Mr. WILSON. Fair enough.

Mr. RABEN. I recognize that the independent counsel statute is done, but you can learn information from a witness that leads you to a new line of inquiry, and I think—the Campaign Finance Task Force, I avoid asking too many questions of them. I don't want to politicize what they are doing either. That's a risk that I have to throw into the mix, but they remind me that they have interviewed the President and Vice President several times, and they have asked, they say, a lot of questions.

Mr. WILSON. Recognizing that investigations are dynamic, they close, they open, and that's a rationale for a prosecutor questioning somebody else, I'll ask you the specific question, has the investigation of the Vice President been reopened in the Hsi Lai temple matter?

Mr. RABEN. I don't know.

Mr. WILSON. Is it because you're not able to tell us, or you don't know?

Mr. RABEN. The latter, I don't know.

Mr. BARR. Excuse me, if I could, counselor.

Something is coming to my mind called deliberate ignorance. What I don't understand here is you're saying, gee, I don't want to ask questions because I don't want to interject politics into it. How would your asking a question, an employee, an official of the Clinton Department of Justice, inquiring into the status of an investigation of another attorney in the Clinton Department of Justice politicize something?

Mr. RABEN. A political appointee confirmed by the Senate?

Mr. BARR. You just said a few moments ago that you don't ask too many questions because you don't want to interject politics into it.

Mr. RABEN. You want to be very careful about ongoing criminal investigations.

Mr. BARR. How could you possibly interject politics into one Department of Justice official inquiring of another Justice Department official?

Mr. RABEN. A political appointee asking questions of a career—of a line attorney, you don't think that has an inherent—

Mr. BARR. I think there's a lot of politics with this administration, but this is the first time that I've heard that used as a defense to finding out information and transmitting information to Congress by somebody within the administration. I think it's thoroughly politicized.

Mr. RABEN. Your characterization of a defense is interesting. I didn't assert it as a defense to anything. I said it's one of the considerations I have. I have to prepare myself and do prepare myself and try to prepare myself for your very valid questions.

Mr. BARR. He just asked a very valid question, and you said, I don't know.

Mr. RABEN. Right. I don't know.

Mr. BARR. Apparently you haven't—I think that was a very relevant question, and certainly the answer to it is not going to compromise any investigation, just asking is the investigation still open.

Mr. RABEN. I don't know. I can ask. If we can communicate that to you, we will.

Mr. BARR. It requires you to ask a question, and you seem to be even hesitant to ask questions of your people at the Department of Justice. That's what I don't understand.

Mr. RABEN. You've asked me to ask a question. I will ask that question.

Mr. BURTON. The chief counsel's time has expired. We have two or three votes on the floor. We will stand in recess at the fall of the gavel, at which time Mr. Waxman will have some time.

[Recess.]

Mr. BURTON. Mr. Raben, we apologize once again for the timeframe. We had four votes on the House floor. We will now yield to Mr. Waxman for his time.

Mr. WAXMAN. Thank you, Mr. Chairman.

Mr. Raben, the chairman has criticized the Justice Department for not allowing our committee to talk to line attorneys working in the Civil Division about the Alexander case. That is the case

brought by Judicial Watch concerning FBI files that were provided to the White House. The Department has responded quite reasonably, I believe, that it has a clear and consistent policy of not providing the line attorneys to Congress to answer questions about Department litigation, particularly when the litigation is still ongoing.

Now, the committee could subpoena those same line attorneys and force them to come up here and testify. The issue, however, is not whether we have the power to do that, but whether that would be a wise, prudent exercise of our subpoena power.

It may be helpful for us to consider an affidavit filed by Robert J. Conrad, Jr., the head of the Department's Campaign Finance Task Force in the Alexander case, and I'd ask unanimous consent that this affidavit be part of the record.

Mr. BURTON. Without objection.

Mr. WAXMAN. In that affidavit, signed on March 23 of this year, Mr. Conrad notified the court that the task force had launched a criminal investigation into the missing e-mails, and that he asked a court to postpone any inquiry into the e-mails until the task force had concluded its investigation. Mr. Conrad stated emphatically that allowing civil attorneys to investigate the e-mail problem, "would interfere with and potentially compromise the task force's own investigation of the pending allegations."

Now, the chairman has suggested that this was simply a ploy to prevent the court from looking into the e-mail problem. He's free to make whatever allegations he wants, but let me point out that the Office of Independent Counsel Robert Ray supported Mr. Conrad's request. Mr. Conrad says just that in paragraph 10 of his affidavit. Once more, the judge in Alexander, Royce Lamberth, who is not known to be particularly partial to the White House, agreed with Mr. Conrad's request, so apparently the Department's task force, the Office of Independent Counsel, and Judge Royce Lamberth all agree on one thing, that the Department's Civil Division line attorneys should refrain from investigating the e-mail matter further until a criminal investigation is complete.

By the way, all three of these people, Mr. Conrad, Independent Counsel Ray and Judge Lamberth, are all in on this conspiracy to protect the White House. This is perhaps one of the most remarkable conspiracies in the history of the Republic.

Now, the chairman can subpoena these line attorneys and insist that they discuss their e-mail investigations before this committee, but if he does so, he is going against a determination made by the Department's task force, the independent counsel and Judge Lamberth that public testimony by those same Civil Division attorneys about their e-mail investigation would compromise the criminal investigation. Given those circumstances, I think it would be inappropriate and imprudent to demand that those line attorneys appear before our committee to discuss their activities in the Alexander case. I wanted to put that view on the record and have that out there.

Chairman Burton recently subpoenaed the Department of Justice for interview summaries. These are known as FBI 302s of dozens of interviews concerning the DOJ's campaign finance investigation. My understanding is the Department has given our committee ac-

cess to these FBI interview notes when the Department considered its investigation to be closed. Is that correct?

Mr. RABEN. Yes.

Mr. WAXMAN. All of the interview summaries requested by Chairman Burton involved investigation of Democrats. However, I understand that the Justice Department's campaign finance investigation has examined allegations relating to both Democratic and Republican fundraising practices; is that correct?

Mr. RABEN. I don't have independent knowledge of that. I have read accounts of those. I presume that to be true.

Mr. WAXMAN. Some investigations into Republican practices are also closed investigations. If the committee requested copies of the FBI interviews relating to these closed investigations, is there any reason why the Department could not provide copies of the interview notes?

Mr. RABEN. Our policy for the provision of 302s has been that the 302 should be a summary of a closed case, and it should be a request of the committee, and then we would redact for the normal 6(e) and privacy redactions. If there are any others, I'll let you know, but that's the basic policy.

Mr. WAXMAN. There have been serious allegations relating to the fundraising practices of former national committee head Haley Barbour. In fact, some of the most serious allegations involving foreign campaign money in the 1996 election concern Haley Barbour and the National Policy Forum. According to these allegations, Mr. Barbour solicited over \$1 million in foreign money from a Hong Kong businessman named Ambrous Young for an entity called the National Policy Forum, which was an arm of the Republican National Committee. These funds were then used in 1994 congressional races around the country. According to press accounts and other sources, individuals reportedly with knowledge relevant to the Haley Barbour allegations include Haley Barbour and Ambrous Young, Benton Becker, Richard Richards, Mark Braden, Steven Richards, David Norcross, Michael Baroody, Fred Volcansek, Donald Fierce, Scott Reed, Daniel Denning, Henry Barbour, JoAnne Coe, Kevin Kellum, John Bolton, Jay Benning, Steven S. Walker, Jr., Ed Rogers and Kirk Blalock. Mr. Raben, will you provide the committee with summaries of any FBI and DOJ interviews with these individuals as well as any other FBI and DOJ interviews with witnesses with knowledge related to allegations that Republicans raised illegal contributions?

Mr. RABEN. We respond to these requests in a nonpartisan way. At the request of the committee, we will provide 302s of closed investigations redacted, as I said, for 6(e) and privacy, yes, sir.

Mr. WAXMAN. Another area that I have repeatedly asked—

Mr. RABEN. I should probably clarify that so as not to mislead you. It needs to be at the request of the committee.

Mr. WAXMAN. If the committee has requested the 302 interviews from you of the closed cases for Democratic campaign questions, then I see no reason why this committee shouldn't also request of you the 302s of the interviews relating to closed investigations of the Republican National Committee, Mr. Haley Barbour, and those that I mentioned.

Mr. Chairman, I would like to ask you to join me in requesting the DOJ provide the committee with these interview summaries.

Mr. BURTON. I just was made aware of the request by the ranking minority member, and I haven't had a chance to check with the parliamentarian about the justification of whether or not we should go ahead with this, and I will be happy to do that.

Mr. WAXMAN. Well, Mr. Chairman, it's not a question for the parliamentarian. It's a question for this committee. This committee has routinely asked for the 302s when there was an investigation of Democratic potential finance abuses, and when the Justice Department closed the cases, you asked that we get those 302s because we wanted to evaluate how they've acted. There have been investigations of Republicans, and these cases have been closed, and we ought to get the 302s from those cases as well. There's no difference, and there's no rationale that would say that this committee would want to get the 302s for what the campaign finance investigation did for some of these Democratic accusations. When there are accusations against Republicans, we ought to get those documents as well.

Mr. Raben, another area I repeatedly asked the committee to investigate are allegations made by Texas businessman Peter Cloeren regarding the 1996 campaign and Republican candidate Brian Babin. According to these allegations, Majority Whip Tom DeLay and Mr. Babin knowingly participated in a scheme to funnel illegal conduit contributions to Mr. Babin's campaign through vehicles that include an entity known as Triad Management.

The DeLay-Babin allegations are also some of the most serious allegations that have been made relating to conduit contributions in the 1996 campaign. In this case there is specific and credible evidence that a senior Republican Member of Congress and a Republican congressional candidate knowingly participated in a scheme to funnel illegal conduit contributions. According to media accounts and information gathered by my staff's investigation of these allegations, individuals who purportedly have knowledge relevant to the DeLay-Babin allegations include Peter Cloeren, Brian Babin, Representative DeLay, Robert Mills, Paul Peveto, Mike Lucia, Gail Averyt, Robert and Dawn Cone, Floyd and Anne Coates, Karen Malenick and Walter Whetsell.

Mr. Raben, will you provide the committee the interview summaries for any interview DOJ and FBI conducted of these and other individuals regarding the DeLay-Babin allegations?

Mr. RABEN. As I said, sir, our policy is at the request of the committee, we will provide 302s for closed investigations redacted for privacy in 6(e).

Mr. WAXMAN. Every time I've raised this issue for our committee to investigate it, the chairman has said this issue has been investigated by the Department of Justice, and they closed the case. So I would like to ask the chairman if he would join me in requesting that DOJ provide the committee with these summaries of any interviews with these individuals regarding the DeLay-Babin allegations.

Mr. RABEN. We've been called many things, sir, but not DOJ.

Mr. WAXMAN. After a while even a J becomes a G with my speech impediment. I'm hopeful.

Obviously discussions are going on that we can get these documents. There's no reason not to. We ought to get the documents from you for our committee to know what kind of job Justice Department has been doing investigating allegations of campaign finance abuses. And I would hope, Mr. Chairman, that we can have an agreement on this. If not—

Mr. BURTON. Give me a second.

I've talked to the staff about this. We have, according to the staff, a large number of 302s outstanding, and if we agree to this, the 302s relating to Peter Cloeren and Haley Barbour, we want the Justice Department to understand that we want all of the 302 outstanding document requests that we're talking about given to us along with these, and if that's agreed to, how many—we should get—we've actually asked for those sometime back, but we should be getting those if not simultaneously, before we get these, and if we get that agreement from the Justice Department, I have no problem in joining with you.

Mr. WAXMAN. I think the Justice Department ought to give us all—our committee on both sides—the 302s of any cases that are closed. That has been their policy. If you have requests out, you ought to get your requests satisfied, and we ought to get our requests satisfied, and we ought to have it for our committee's documents so we can evaluate the job the Justice Department has done in this regard. There is a distinction between closed and open cases.

Mr. BURTON. I understand. The open cases—the one thing that concerns me about the 302s is we believe, Mr. Waxman, that there's some politicization of the Justice Department, as you know. You may not agree with that, we do, and as a result, we believe that some of the cases may be kept open so we cannot get the 302s. Now, that's one of the major concerns that we have.

I don't think we have any big objection to you getting these 302s, but what we want to do is get the 302s that we've requested, and if we can get that, since we've requested it some time ago, then I think we can work this out.

Mr. Waxman, we're talking not only about 302s, but other subpoenaed documents we requested from the Justice Department that the Justice Department has not given us. I mean, there's a whole host of things, 302s, documents that we've requested, the La Bella and Freeh memos which we have never received, and we don't understand why in the world there should be a—

Mr. WAXMAN. If you'll excuse me, Mr. Raben. This committee has asked for 302s from the Justice Department on cases that have been closed. The Justice Department has furnished 302s on some of those cases. The majority on the committee is asking for additional 302s for closed cases. We're asking for additional—we're asking for 302s on the cases that I mentioned.

Now, the committee majority may be asking for other documents as well that you may or may not be able to give them for one reason or another. That you have to deal with the committee majority on. But for the 302s on cases that are closed, the Republicans ought to get what they've requested and we ought to get what we've requested. And, Mr. Chairman, I would like you to join with

me in making that demand of the Justice Department at this hearing.

Mr. BURTON. The problem that we have—and I have no objection, like I said, to getting these 302s. But when the 302 is requested—for instance, on former Congressman Solomon, that 302 was brought over to us in 1 day. Other 302s that we requested have been languishing for months and months and we have not received them. And so what we want to do is make sure that the documents and the 302s that we requested we get immediately. And we'll go along with the 302s that you request. They can get them to you as quickly as they want to. But we want the documents we've subpoenaed and the documents we requested in the form of 302s as well.

Mr. WAXMAN. Let me join with you in making a joint request of the Justice Department that you give us all the 302s that we're asking for to which we're entitled and that they all come in together. And that if the chairman is concerned that we'll get ours and they won't get theirs, let's make a request that you give them all to us as quickly as possible.

Mr. BURTON. Why don't we do this? If you gentleman would yield—if the gentleman would yield, there is no motion on the floor. If the gentleman would yield, why don't we issue a subpoena for the document—for the 302s that you have requested and in that subpoena we will request or we will issue a subpoena that includes the documents that we have requested and the 302s that we have requested. That way, everything will be in one subpoena. That way, you'll get what you want, and we'll get what we want. Do you have any objection to that?

Mr. WAXMAN. Mr. Chairman, I think we have the makings of an agreement. I just want to clarify that what we want in the subpoena are the names that I read with regard to the Haley Barbour allegations and the Cloeren allegations, all of those, and you have the list we've given you, of those cases. And so all of those names ought to be subpoenaed for 302s that the Justice Department, FBI would have. If you want to add to that subpoena other documents, I have no problem with that.

Mr. BURTON. Well, what we want to do is make sure that all documents that we have previously subpoenaed, all 302s that we've requested and subpoenaed in addition to what you've requested here today, all be given to us in a timely fashion and that we don't want—and this has to be spelled out so Justice understands it, we don't want the 302s for Republicans given to the Democrat minority before we get the documents that we've requested subpoenaed in the past. Simultaneously, that's fine. But we don't want this favoritism shown one way or the other.

Mr. WAXMAN. Mr. Chairman, that's agreeable with us.

Mr. BURTON. How about in the subpoena it be specified that all the documents be given jointly to both the majority and minority staff simultaneously?

Mr. WAXMAN. That's reasonable.

Mr. RABEN. Sir, I—

Mr. BURTON. If you would just hold for just a second here. Is there—I actually don't even need a motion, but if you care to make a motion.

Mr. WAXMAN. Well, Mr. Chairman, but based on the agreement—

Mr. BURTON. They said a motion is not necessary.

Mr. WAXMAN. Based on our discussion here we have given and we will submit on the record a list to you.

Mr. BURTON. We have a list.

Mr. WAXMAN. You have the list.

Mr. BURTON. The list is a matter of record. We will submit the list for the record today so that there's no doubt today but what it consists of. So it will be a part of the record. It will be in there today.

Mr. WAXMAN. Mr. Chairman, I want to thank you very much for this agreement. And we will go along with your request.

Mr. BURTON. The subpoena in detail will be issued and we will consult with both the majority and minority counsels to make sure that correspondence going along with the subpoena is detailed thoroughly so there's no misunderstanding about that.

Mr. BARR. I would like unanimous consent that the record reflect that I object to this procedure.

Mr. BURTON. The record shall reflect that.

Is there further discussion? Mr. Waxman you still have time.

Mr. WAXMAN. I still have time, and I'll yield to my members who want to ask Mr. Raben some questions. Otherwise, I think members who have come—

Mr. RABEN. May I, sir, say what I have been trying to say? I would be eager to work with you as we have tried to work in the past to be responsive to all of the requests. If I heard part of your agreement to be that nothing would be produced until everything that was producible was produced, if I heard that to be the case, then I would need clarification on that. That would be inconsistent with what I think is a relatively healthy protocol that we have been able to work out with the majority which prioritizes among the list of documents and 302s they want.

Now, we have not, for a variety of production reasons, been able to meet the priorities jot and tittle, but the priorities have been useful, I understood, for both the committee and for us. And I would hope that we would—among the cohort of materials that you're going to identify in this subpoena that we would hold open the opportunity to talk with you about that.

Mr. WAXMAN. Let me say on our part we'll talk to the chairman about that and decide how we're going to proceed.

Mr. BURTON. OK. The thing that Justice needs to know, though, is that we are adamant about documents that have been previously subpoenaed and requested that we have not received. And if we're going to—as we've agreed to, we're going to ask for these 302s in a subpoena for the Democrat minority. We want to make sure that the Justice Department gives us the documents that we are entitled to—legally entitled to that we have not yet received in accordance with the subpoena. You will convey that to them.

Do you have any more comments?

Mr. WAXMAN. I have some time if anybody wants me to yield. If not, I yield back the time.

Mr. BURTON. The gentleman yields back the balance of his time.

Mr. OSE. Mr. Chairman, down here amongst the—

Mr. BURTON. Mr. Ose.

Mr. OSE [continuing]. Kiddie table. Thank you. Did I understand the comments from this gentleman to be that we would not receive anything until we received everything?

Mr. BURTON. It was my understanding—and, of course, this is something that was sprung on us very late in the day here. It was my understanding that there might be a rolling production of these things, but the minority and majority together would make sure that they were given in a timely fashion and in a fair and equitable way.

Mr. OSE. Are we going to have a date certain, a date certain by which these things will be produced?

Mr. BURTON. We will put a date certain on the subpoena. I think that's something that should be done. But it has to be in a fairly reasonable period because we're talking about a substantial number of 302s.

Is there further discussion? Any questions or any comments from any members?

I apologize for hauling everybody in here, but we thought we were going to have a procedural vote, and we didn't want it to be biased.

Is there further discussion to come before the committee today? Mr. Raben, did I get that right?

Mr. RABEN. No, Raben.

Mr. BURTON. I have a heck of a time with that. We would like to meet with you or somebody from the Justice Department—you have further questions, Mr. Barr?

Mr. BARR. I do Mr. Chairman.

Mr. BURTON. Mr. Barr, you're recognized for 5 minutes.

Mr. BARR. Mr. Raben, with regard to your statement—I think it was contained in your April 24th letter—that, “no limits were imposed on the subject matter of the Campaign Financing Task Force's interviews of the President and Vice President.” Where did that information come from?

Mr. RABEN. Where did the information that no limits were imposed come from?

Mr. BARR. Yes. What's your basis for making that statement?

Mr. RABEN. That letter was written in part with help from the Campaign Finance Task Force, and the basis for that statement is that it's the truth. That—I'm sorry. Let me start again. Let me start again.

We've had a subsequent correspondence after that letter. When we got a letter from the chairman on April 28th pointing out confusion about that statement, I agreed with the chairman that the statement is inconsistent with the factual evidence that we provided with that letter. That is letter—an exchange of letters between I believe it's the Campaign Finance Task Force and counsel to the President and Vice President in which there appears to be an agreement on the subject matter for that set of interviews.

When I looked at that in response to the chairman's response to my letter, I agreed with him that that is a record that seems to limit the questioning. I think the proper statement—and had I to do it over again, I would have said that there was—we have no in-

formation, we have no evidence of an imposed limitation, that is, from outside the Campaign Finance Task Force.

I have the Attorney General saying on the record in a letter to the chairman March 21st that she has—"I have repeatedly urged the task force to follow the evidence wherever it leads." That's the closest sense of a statement from her that I have with respect to her involvement. But what I should have written and what is accurate is that we have no—I have no evidence of an imposed limitation on the task force.

Mr. BARR. There were limitations on their questioning of the President and Vice President.

Mr. RABEN. The farthest I go on that is they seem to have engaged in an agreement—a voluntary agreement with counsel about the subject matter of that set of interviews, and we have records of that which we provided. And if there are more, I've asked people to redouble and see did we miss something given my too small view of what records means in that case. And I am told—I've never prosecuted, I know you have, but I have never prosecuted—that it is not uncommon for prosecutors to consult with counsel for witnesses or defense about the range of questioning that might come. But, as I say, I have no sense that there was an imposed limitation from elsewhere in the department or elsewhere.

Mr. BARR. For example, there were no—at no point has the President been asked a single question about James Riady, John Huang or Charlie Trie.

Mr. RABEN. I don't know that I know that.

Mr. BARR. That wasn't a question. It's a statement. The President was not asked. Was this just—

Mr. RABEN. The President wasn't asked in certain interviews that you've seen the 302s from.

Mr. BARR. That is true, too.

Mr. RABEN. But the President and the Vice President have been interviewed a total of seven times, and I don't know what the subject matter was of the last sequence.

Mr. BARR. Charles La Bella has also said that it was the Attorney General's decision that the interviews would be—I think the word was "focused," which means limited.

Mr. RABEN. Yeah. I don't know what he was referring to. He may—I read that as well. He may have been referring to the voluntary agreements that were entered into by the Campaign Finance Task Force and counsel for the President in those interviews. I don't know. I know that the President—that the Attorney General has written to you, to the committee, "I have repeatedly urged the task force to follow the evidence wherever it leads."

Mr. BARR. It may not be uncommon for prosecutors and attorneys for defendants to—or for deponents to have an agreement beforehand about certain areas, although it would be uncommon for prosecutors to simply not go into fruitful areas of inquiry. That certainly is not the case.

It is also very common that if there is an agreement between a prosecutor and the attorneys for a witness to limit the area, the prosecutor is going to get something in return for it. I mean, good prosecutors don't just go in and say, oh, please limit the areas that

I can question you on. They want to get something in return, and they then reduce that to writing.

Were either of those things done in this case when the decisions were made, as they apparently were, to limit or focus—whatever word you want to use—or agree to go into only certain areas? One, what did the prosecutors get in return for it, that concession on their part? Because that is a concession on the part of a prosecutor not to go into certain areas of questioning. Was it reduced to writing?

Mr. RABEN. Two parts. You have prosecuted. I have not. I can't speak to the strategy which sounds—

Mr. BARR. I'm just asking two factual questions.

Mr. RABEN. OK. I may have misunderstood your question. But your premise was that give and take, that it's a bargain—

Mr. BARR. You don't have to respond to the premise. That's my premise. What I would appreciate you responding to is the two questions.

Mr. RABEN. OK. I only remember one. I have one question. You have to tell me what the other is. The question that I know is, that I hear you asking, is there documentation or evidence of such an agreement. The only thing which I am aware is what we provided, the exchange of letters that seems to define the categories for that interview.

Mr. BARR. Those letters we have. There are no other letters.

Mr. RABEN. Yes. Last night—last night, after rereading the chairman's letter of April 28th—and, as I said, I agreed with him, and I have asked staff and relevant Campaign Finance Task Force people to look again and see if we underinterpreted the request the first time around.

Mr. BARR. Will you be able—we have another hearing—another day of hearing on this subject matter tomorrow.

Mr. BURTON. We do.

Mr. BARR. Could the chairman direct that we receive a final, definitive, absolute answer to that question tomorrow at least?

Mr. RABEN. Am I directed?

Mr. BURTON. I can make that request. Is there a ball bat in the House? Maybe I can make sure I get it.

Mr. RABEN. Is there a what in the House?

Mr. BURTON. The request that he's talking about.

Mr. RABEN. I just didn't hear what you said, I'm sorry.

I'll direct it ASAP. I think it's very important.

Mr. BURTON. We would like to have it by tomorrow.

Mr. RABEN. I hear you.

Mr. BARR. There really shouldn't be any problem because, presumably, there isn't anything because they have already been tasked with—

Mr. RABEN. I hear you. We'll look.

Mr. BARR. The other part to my question, premised on the same basis, is what did the government prosecutors get in return for conceding not to go into certain areas of inquiry with these two witnesses?

Mr. RABEN. I have no knowledge of that. I have no idea that anything of the sort occurred. I have no knowledge.

Mr. BARR. Wouldn't it make sense? Wouldn't it be common sense that if a prosecutor is going to go into an interview with a witness and not go into fruitful areas of inquiry, that they at least are getting something in return unless all three of the parties, the prosecutor, the government, the witness's lawyers and the witness are colluding, which may be what happened here, that the three of them got together and said we are—we don't want these areas gone into. The Department of Justice says, yes, sir, absolutely, we will not go into these areas, because you're the President or your attorneys don't want us to. That's certainly possible, is it not?

Mr. RABEN. I hear you, sir. To me, it's a speciality. It's not about common sense. I don't prosecute.

Mr. BURTON. Does the gentleman have further questions?

Mr. BARR. I have no idea what he just said. There's no common sense in——

Mr. RABEN. You asked me, sir, was it common sense that there would be a bargain like that. I don't think that's a question of common sense. I think that's a question of professionalism and strategy about prosecution, and I don't do that.

Mr. BARR. Professionalism, one would hope, is common sensical. Used to be.

Mr. BURTON. Gentleman's time has expired.

Are there further questions by any member of the committee?

If not, this has been a very interesting day. I hope tomorrow is as interesting but not as contentious. We stand adjourned. Thank you very much.

[Whereupon, at 5:10 p.m., the committee was adjourned.]

WHITE HOUSE E-MAILS: MISMANAGEMENT OF SUBPOENAED RECORDS—DAY FOUR

THURSDAY, MAY 4, 2000

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 10:10 a.m., in room 2154, Rayburn House Office Building, Hon. Dan Burton (chairman of the committee) presiding.

Present: Representatives Burton, Morella, Shays, Ros-Lehtinen, Barr, Hutchinson, Terry, Chenoweth-Hage, Waxman, Lantos, Kanjorski, Norton, Cummings, Kucinich, and Ford.

Staff present: Kevin Binger, staff director; James C. Wilson, chief counsel; David A. Kass, deputy counsel and parliamentarian; Mark Corallo, director of communications; Pablo Carrillo and M. Scott Billingsley, counsels; Jason Foster and Kimberly A. Reed, investigative counsels; Kristi Remington, senior counsel; Robert Briggs, deputy chief clerk; Michael Canty, legislative aide; Leneal Scott, computer systems manager; Lisa Smith Arafune, chief clerk; Maria Tamburri, assistant to chief counsel; Corinne Zaccagnini, systems administrator; Phil Schiliro, minority staff director; Phil Barnett, minority chief counsel; Kenneth Ballen, minority chief investigative counsel; Kristin Amerling, minority deputy chief counsel; Paul Weinberger, minority counsel; Ellen Rayner, minority chief clerk; Jean Gosa and Earley Green, minority assistant clerks; and Andrew Su, minority research assistant.

Mr. BURTON. The committee will come to order.

A quorum being present, the Committee on Government Reform will now sit in session.

I ask unanimous consent that all Members' and witnesses' written opening statements be included in the record; and, without objection, so ordered.

I ask unanimous consent that all articles, exhibits and extraneous or tabular material referred to be included in the record. Without objection, so ordered.

I also ask unanimous consent that questioning in this matter proceed under clause 2(j)(2) of House rule 11 and committee rule 14 in which the chairman and ranking minority member allocate time to members of the committee as they deem appropriate for extended questioning, not to exceed 60 minutes equally divided between the majority and minority. Without objection, so ordered.

I also ask unanimous consent that questioning in the matter under consideration proceed under clause 2(j)(2) of House rule 11 and committee rule 14 in which the chairman and ranking minor-

ity member allocate time to committee counsel as they deem appropriate for extended questioning, not to exceed 60 minutes divided equally between the majority and minority. Without objection, so ordered.

Today marks day 4 of our hearings into the White House e-mail matter. Yesterday, we focused on what was happening in the Office of Administration. I made four general points about what we learned. I think they bear repeating.

First, more evidence is emerging that the Northrop Grumman employees who discovered the problem were threatened by White House staff and ordered to keep their problem secret.

Second, it's clear that technical people in the Office of Administration were trying to get the problem fixed. But months and months were going by, and they couldn't get anyone at a higher level to approve it.

Third, there was an appropriations committee hearing in March 1999. There was discussion going back and forth within the Office of Administration about whether to tell the Appropriations Committee about the e-mail problem, but the committee was never informed.

Fourth, we have been informed that there was a second briefing of the White House counsel's office about the e-mail problem. The first briefing happened in June 1998. The second briefing happened in the spring of 1999. But this committee was never informed that our subpoenas had not been complied with until we read about it in the newspaper in February 2000 and started our own investigation.

I think it's worth restating why we're here today and why we're conducting this investigation.

There was a very serious illegal fundraising scandal involving the Clinton administration. Several million dollars from foreign sources were funneled into the DNC. The head of China's military intelligence agency gave Johnny Chung \$300,000 to give to the President's campaign. Charlie Trie, a friend of the President's, brought hundreds of thousands of dollars from a Buddhist sect in Taiwan to the Presidents' legal defense fund. More than a 120 people have either taken the fifth amendment or fled the country to avoid questioning.

This was a serious problem. This committee started an investigation. We issued several subpoenas to the White House for documents. We struggled for a long time to get those documents, and I'll talk about that more in a minute. Eventually, we got a certification from the White House that we had been given all the documents to which we were entitled.

Now in June 1998 the White House discovered that it had a serious e-mail problem. Two and a half years of incoming e-mails weren't put into the ARMS system. That means 2½ years of incoming e-mails weren't searched to see if they had to be produced to the Congress or the Justice Department or the independent counsels that subpoenaed documents.

This was not a trivial number of documents. It was 246,000 plus e-mails. Now, if you receive a lawful subpoena and you're in possession of relevant documents that haven't been turned over, you have a legal obligation to tell the investigating agency and you have an

obligation to produce the documents. If you don't do it, it's called obstruction of justice.

We were not informed in 1998. Neither was the Justice Department and neither were the independent counsels.

We weren't informed in 1999. Neither was the Justice Department or the independent counsels.

We weren't informed until March 2000. That's 1 year and 9 months after the White House counsel's office was briefed. And I want everyone to understand how we were informed, because we didn't just get a call out of the blue. Here's how it happened:

On February 14th, the e-mail problem was reported on the front page of the Washington Times.

On March 7th, my staff interviewed the Northrop Grumman contractors.

On March 8th, I wrote to the White House counsel and the Attorney General. And it wasn't until I interviewed those contractors and wrote those letters that anything happened.

On March 10th, the Justice Department called the White House to ask for an explanation.

On March 15th, the White House counsel's office provided an explanation to the independent counsel.

On March 20th, the White House gave the Justice Department a written explanation.

So, to summarize, in coming e-mails from 2½ years were kept under wraps. The White House knew about it for almost 2 years, but they didn't inform the Justice Department until we started looking into it. And the justice Department didn't start an investigation until they realized that we were looking into it. And lawyers within the Justice Department's Civil Division had known about this for a long time.

That's a shameful record. Time and time again, we've seen a very cozy relationship between this Justice Department and this White House. That's why the Attorney General should have appointed an independent counsel for the fundraising investigation 2 or 3 years ago. That's why she should appoint a special counsel for the e-mail investigation today.

Today we're going to focus on the White House counsel's office. The reason is simple. The technicians in the Office of Administration are not responsible for complying with subpoenas. The White House counsel is.

So the question is this: What did the counsel's office know and when did they know it?

The counsel at the time was Charles Ruff. We know that on June 18, 1998, the day after the problem was discovered, he got a detailed memo. He was briefed on the entire situation. According to his calendar, the deputy counsel, Cheryl Mills, was with him.

So far, we're being told that there was a big disconnect. The people at the counsel's office just didn't get it. It was too technical for them.

Yesterday, we were told that there was a second briefing. Mr. Lyle told us that in the spring of 1999 the so-called letter D problem was discovered. He told his boss, Mr. Lindsay. Mr. Lindsay told Mr. Lyle that he briefed the counsel's office. Mr. Lindsay is

here today, and we're going to ask him who he talked to and what he told them.

So was there a second disconnect? Did the counsel's office still not get it or did they understand it and just decided not to do anything about it? Mr. Ruff and Ms. Mills are here today, and we'll ask them.

Mr. Ruff and Ms. Mills have been here before. They both testified in the fall of 1997, and I'm sorry to say that we haven't had much in the way of cooperation from them over the years.

We almost had to hold Mr. Ruff in contempt to get him to turn over any documents to us in 1997. We discovered that hundreds of videotapes of the President at fundraisers had been withheld from us, and we were told that the counsel's office didn't realize that they were there. But Ms. Mills had written memos on the subject to the White House staff.

Ms. Mills withheld important documents from the White House data base investigation in her office. Ms. Mills refused to cooperate with this investigation. We called her three times to ask for an interview, and she didn't return our phone calls. We sent her a letter, and she said she was too busy to give us an interview. I told her that we would subpoena her, and she said that she was busy. We were able to subpoena her, but since she has refused to cooperate we have not been able to speak to her before today. Her lack of cooperation really makes me ask what she's trying to hide.

And now we have 246,000 e-mails that were never searched.

If something like this happens once, you might believe it's a mistake. If it happens twice, you get a lot more skeptical. If it happens over and over again, it doesn't leave much doubt about what's going on.

I think Harold Ickes summed it up best. He was quoted in a new book. He said, the White House has a foot-dragging, screw you attitude. And I'm being generous with that terminology. That's the PG version of what he said.

So we're going to listen to what Mr. Ruff and Ms. Mills have to say today, but, given the past track record, they've got an uphill road to climb to convince us that everything was on the up and up.

On our second panel we have invited White House Counsel Beth Nolan and Associate Counsel Dimitri Nionakis to testify.

Last fall, Mr. Nionakis was handling document production for our Waco and FALN subpoenas. He sent us several letters assuring us that all documents were being searched. He told us specifically that archived e-mails were being searched. He never said anything about 2½ years of incoming e-mails that were not being searched.

Did Mr. Nionakis understand the e-mail problem? We'll ask him that question today.

Getting him here wasn't easy. He really resisted coming. Yesterday, he disappeared when we tried to serve him with a subpoena. For the first time ever, I think, we had to ask the U.S. Marshal's Office to serve a subpoena to the White House. Instead of tracking down fugitives yesterday afternoon, the Marshals had to spend the afternoon tracking down a White House lawyer.

Last night, my staff asked Beth Nolan if she had instructed Mr. Nionakis not to accept service of the subpoena; and she said, "I will not answer that question." They asked her if he had gone to work

yesterday or if he was avoiding the Marshals. She said, "I will not answer that question."

I think the American people have a right to know what happened. What happened yesterday was not what I call a bright new beginning in our relationship with the White House. Instead it was more of the same.

However, we've reached an agreement. Mr. Nionakis is going to testify alongside the chief counsel for the President, Ms. Nolan, today.

I want to get on with the questioning, so I'll stop here. I think we have a full day ahead of us. I would like to get things moving, and I now yield to Mr. Waxman.

Mr. WAXMAN. Mr. Chairman, I am looking forward to the testimony we're going to receive today so I have no formal statement. But I do want to point out for the record what your statement that was just delivered is filled with inaccuracies and omissions and creates, unfortunately, a distorted picture of the events.

The second thing I want to point out is that we've all heard about frivolous lawsuits, and no one would want to defend a frivolous lawsuit, but this committee seems to be in the habit of making frivolous accusations and even referrals to the Justice Department against people who have chosen to serve the public and accuse them of criminal action, perjury, obstruction of justice, whatever.

One of our witnesses, Cheryl Mills, is no longer working for the government. She worked at the White House with great distinction. She's now in the private sector. And this committee referred to the Justice Department an accusation against her at one time that because they didn't like her statements, that she had committed perjury. Well, she was exonerated from that charge. It besmirched her reputation when those kinds of accusations were made. I think an apology is due her, and I would hope the committee would find it in its sense of decency to apologize to her as well.

She is here today even though she asked, because she's in the private sector, that her schedule be accommodated, but this committee was not willing to accommodate her schedule. I think that's unfortunate.

Mr. Ruff is no longer with the government either. He served with great distinction as the White House counsel. He has an unsurpassed reputation for integrity and honesty and legal ability. He is here at the request of the committee to answer questions.

And the issue before us is one of whether there was any intentional withholding of information about e-mails that because of technical snafus didn't get picked up in a centralized system, whether some of those e-mails were withheld from the appropriate committees of Congress and other investigators, whether they were actually withheld, and if they were withheld, whether it was an intentional act.

These are questions worth pursuing. We pursued it over and over and over again. This is the fourth or fifth hearing we've had on this subject. I don't think that we've established to this point evidence of any wrongdoing or any kind of conspiracy, even though the majority has tried to paint that picture.

I just point out this is probably one of the few committees that has in its room a clock that is never right. I don't know what that

tells us. But the clock that's running evidently in this room appears to not be an hour behind or to have failed to change for daylight savings time or whatever. It just is incorrect. And it is fitting in this room, where so many of the statements are often incorrect, that we're sitting in this hearing today.

I look forward to the testimony. I appreciate these witnesses being here. Mr. Lindsay, who's also testifying, already testified before us for many, many hours. I don't know what else there is to ask him. But I'm sure there will be questions, and he was very forthright in his responses last time. I expect him and the other witnesses to be so today. I look forward to their testimony.

Mr. BURTON. Would you please rise so you can be sworn.

[Witnesses sworn.]

Mr. BURTON. Do any of you have opening statements you would like to make?

STATEMENT OF CHARLES RUFF

Mr. RUFF. Mr. Chairman, thank you. I do not have a formal opening statement, but I do wish briefly, if I may, to respond to one theme that you have sounded not only today but in prior hearings.

Because, independent of the e-mail issue that we will be talking about today, I fear that the record reflects a simply incorrect version of historical events. You and I have over the course of my tenure at the White House had I think not necessarily a fully friendly but always an open and candid relationship in which you have been very direct with me and I have been very direct with you. I intend to do the same today, as I'm sure you will.

The notion that somehow the White House was less than forthcoming or cooperative with this committee is I think a mischaracterization of the White House and the White House counsel's office. I no longer have any official role nor need to defend the institution of the White House counsel's office, but to the extent that it suggested that either somehow the threat of contempt, which was very pointed and very real to me, was necessary to extract missing documents from the White House or that we were somehow laggard in our efforts to produce documents for this committee over the years is simply incorrect.

As the Chair knows, our battles in the spring of 1997 over certain claims of possible privilege involved a full disclosure to the committee of what those documents were, a relatively small handful of them ultimately turned over in the face I admit of your contempt threat. But as you know from having seen those documents, there was absolutely nothing of any substance in them, and they were entirely legitimate in our efforts to bring them under what we understood them to be, equally legitimate claims of important constitutional privilege. Any suggestion that somehow the White House counsel's office during my tenure and Ms. Mills' tenure was anything other than forthcoming to the full extent of our knowledge, Mr. Chairman, I submit with all respect, is simply, flat-out wrong.

Mr. BURTON. Ms. Mills.

STATEMENT OF CHERYL MILLS

Ms. MILLS. Thank you. Mr. Chairman, Representative Waxman, members of the Committee on Government Reform, my name is Cheryl Mills. For almost 7 years I served in the White House counsel's office under President's Clinton. During my tenure, I served first as an associate counsel and later as deputy counsel.

When I arrived, I was 27 years old. I was 34 when I left last October. I came into government because I believed that the opportunity to serve this country was a valuable one. I believed that giving of my time, my energy and even my soul to try to make a difference was important. I believed that the gift of one's labor, the gift of one's love for this country was one of the purer things that I, like other young people, had to give.

When I left, it had become hard for me to believe anymore. I left increasingly cynical about Congress' commitment to improving the lives of Americans. I left deeply troubled by the culture of partisanship in Washington that with each passing day was threatening the very essence of what is good and what is right and what is joyful about public service. When I left, it was no longer obvious to me that serving in government with a Congress that was committed to oversight by investigation was worth the high toll that it exacted.

And the greatness of that injustice is not in its harm to me. I am only one person. Rather, it is in the damage that it does to all the ideals of the young people who decide never to serve, the young people who decide that no one should have to love their country enough to have their integrity and their service and their commitment to doing the best they can impugned by some who sits in this body, the young people who decide that their desire to serve their country and a President is not outweighed by the risk to their reputation, their livelihood and their family, the young people who decide that too many who toil in this body have forgotten that their exalted positions are but loaned to them by the young on the understanding that they will seek what is best for our country and not what is least.

I left because I knew that time and distance would allow me to see again the many Members who serve honorably in Congress every day, Members who choose to work hard for their constituents on issues that will enrich their lives and men and women who get up each day not thinking about how they can bring someone down but how they can lift us all up.

Mr. Chairman, I left because I was tired of playing a role in dramas like today, when so many issues that mattered to me were not addressed. You have held 4 days of hearings and spent countless more dollars on depositions and document productions but yet you have not chosen to use your oversight authority to hold 1 day's worth of hearings about a man who was shot dead by an undercover New York police officer while he was getting into a cab after refusing to buy drugs from that officer; not 1 day's worth of hearings about any of the 67 cases and counting that have been overturned because officers in the Los Angeles Police Department planted guns and drugs to frame people, shot an unarmed man, and quite possibly murdered another with no criminal record, by shooting him 10 times; not 1 day's hearing about why African

American youths charged with drug offenses are 48 times more likely than white youths to be sentenced to prison.

Not to mention all the other ways there which you could spend your time making the lives of the individuals you serve better, as opposed to tearing down the staff of a President with whose vision and policies you disagree. You could choose from a myriad of issue, from health care to prescription drug benefits to family medical leave, education reform, Social Security, judicial reform. Nothing you discover here today will feed one person, give shelter to someone who is homeless, educate one child, provide health care for one family or justice to one African American or Hispanic juvenile. You could do so much to transform our country, but you are instead choosing to use your great authority and resources only to address e-mails.

The energy your staff will spend pouring over hearing transcripts to create a perjury referral for you to send to the Justice Department could be spent pouring over the latest statistics in the Justice Department's report on unequal treatment African American and Hispanic youths receive before the law. And the resources that the Justice Department will expend reviewing your allegations causing those public servants and their families considerable pain could instead be spent investigating why America's justice system unfortunately is still not yet blind.

I know I say all this at some personal peril as my words today undoubtedly will make me an even greater target of your ire. But when I received your letter last week about attending this hearing, despite having advised you of my long scheduled commitments, a letter in which you simply dismissed my engagements, stating that you could not indulge my schedule, I got tired and angry all over again.

And if I had not had a chance to attend a dinner that night in honor of the Robert F. Kennedy Memorial Foundation I probably would still be angry. Because I would not have had the chance to have my faith renewed by the example of what other men with your power have chosen to do throughout history to enhance the lives of others. I would not have been reminded of Robert Kennedy's work on behalf of issues like race and justice and poverty and how they embody the true spirit of his greatest words. "It is from numberless diverse acts of courage and belief that history is shaped. Each time a man stands up for an ideal or acts to improve the lot of others or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

Had I not gone to that dinner that night I would not have been reminded that the smallness of any person can never overshadow the greatness of those whose acts are bigger than life. I would not have been reminded that today, too, will pass and that we who love our government are strong enough and not too weary. We can outlast a culture of investigation and intimidation and idleness on behalf of issues that could truly improve the lives of Americans.

Mr. Chairman, I believe in your humanity and in that of your staff, that you, each, have good and bad days, make good and bad judgments, render good and bad decisions. Won't you believe in the

humanity of others with whom you disagree? Won't you believe that, as with your mistakes, they too can make mistakes that are not conspiratorial? That they too can make a bad judgment without that judgment being pernicious? That they too can do their best each day and expect more than a biased shake or a perjury referral from this committee? That they too can be human, without this body using its awesome power to exploit their humanity for political gain? Can Tony Barry, a man who served his government since 1992, expect that?

I give my last quotation to Robert Kennedy, because to me it is particularly fitting today. He said, "the Constitution protects wisdom and ignorance, compassion and selfishness alike." But that dissent which consists simply of sporadic and dramatic acts sustained by neither continuing labor or research, that dissent which seeks to demolish while lacking both the desire and the direction for rebuilding, that dissent which, contemptuously or out of laziness, casts aside the practical weapons and instruments of change and progress, that kind of dissent is merely self indulgence. It is satisfying, perhaps, only to those who make it.

I decided that smallness in government can't win and that it will not be the weapon to defeat my ideals, that it is not powerful enough to alter my belief in the good that so many Members who serve in this body do. I decided that, in the final analysis, I am not too tired to stand up for all of those who believe, even through the drama, that public service is worth it. Thank you.

Mr. BURTON. Thank you, Ms. Mills.

Mr. Lindsay.

Mr. LINDSAY. I believe that my prior statement from the last hearing will suffice. I don't have any opening statement.

Mr. BURTON. We'll go directly to the questions. Let me start by making a little comment.

First of all, I thought that was a very eloquent speech that you made, Ms. Mills. It was very good, as you can see by the reaction from members of the audience and the committee.

The fact of the matter is, though, that we have been investigating or conducting a number of investigations for about 4 or 5 years now. Millions of dollars in illegal campaign contributions have come in from abroad; 120 people plus have fled the country or taken the fifth amendment. We have tried to get the White House to work with us to get to the bottom of all this. We have been blocked again and again and again. And I'll comment on what Mr. Ruff said in just a moment.

And so the purpose of the hearing is not to try to intimidate or bludgeon or hurt anybody but to get the facts out for the American people. Lincoln said, "let the people know the facts and the country will be saved." And, you know, I think that the facts will speak for themselves.

The White House counsel's office knew some time ago, not once but twice, about the e-mail problem. They knew that subpoenas had been issued by a number of independent counsels, this committee, other committees and the Justice Department for documents. And those documents could have been and may be in some of those e-mails. There's 240-some thousand of them. And yet the White House chose not to tell the appropriations committee about them,

not to ask for resources for that or employees to help go through that mountain of e-mails to comply with the subpoenas which they're going to have to do anyhow, but they chose to either ignore it or to hide it. That's what we want to find out. We're not here to try to intimidate anybody but to find out where the responsibility lies and why those subpoenas were not complied with as is required by law.

Now, Mr. Ruff, I have here before me the whole litany of correspondence which I will be very happy to give to you so you can review what happened. But back when you came to my office years ago in 1997, we asked for documents you said that the President was not going to claim executive privilege. Then later you said you were considering privilege, and we said that the executive was not entitled to that privilege. We contacted you about that. We sent you subpoenas, you did not comply, and then we started to move for contempt, and then you did comply.

I have a letter here, Mr. Ruff, that's from you that says that you have, to the best of your knowledge, given us everything. Four months later, we got another 10 or 12 boxes of documents, many of those on a Friday night and a lot of it was released on Saturday morning to the papers; and they blamed us for leaking that to the media when my office had not even opened those boxes until Monday.

So, you know, it's a little disingenuous for you to say that you were cooperative with us from day 1 when you and I both know, Mr. Ruff, that that's not accurate.

Now let's get to the questions.

Mr. FORD. Mr. Chairman, would you yield for one moment, sir, before you get to your questions?

Mr. BURTON. I think Mr. Waxman was going to have 30 minutes. I would prefer that you ask Mr. Waxman for the time because we have a full litany of questions.

Mr. FORD. It's just a unanimous consent request, if you don't mind, sir.

Mr. BURTON. Stop the clock.

Mr. FORD. Just in light of what has been said this morning, I was wondering if I could, with a unanimous consent request, enter into the record what Senator Hagel said yesterday according to yesterday's the Hill newspaper where he criticized his fellow Republicans for allowing their deep-seated suspicions of Clinton to derail their own political agenda. And I think it reads, GOP's Distrust of Clinton Drives Congress's Agenda. Just in light of what has been said this morning, if the committee does not object.

Mr. BURTON. Without objection, so ordered.

[The information referred to follows:]

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LAUREN V. BURKE

surries to news conference Tuesday

retaliation nominations

adjourn that committee," Daschle noting that Democrats have taken tep in the past. schle referred to an arcane Senate hat says committees can't meet after ours after the Senate has convened

GOP's distrust of Clinton drives Congress' agenda

By Allison Stevens

President Clinton's lack of credibility on Capitol Hill is driving the congressional agenda in a way that has caused problems for his Republican opponents.

Senators say distrust of the president led to rejection of a Comprehensive Test Ban Treaty, problems with establishing permanent normal trade relations (PNTR) with China, and a hold on judicial nominations. It has even prompted many Republicans to seek hearings on the government's seizure of Elian Gonzalez in the opinion of many senators of both parties.

Sen. Chuck Hagel (Neb.) criticized his fellow Republicans for allowing their deep-seated suspicions of Clinton to derail their own political agenda. "Mistrust is the common thread [in this congressional session]," Hagel said, citing the would-be Elian Gonzalez hearing as a prime example of how Clinton's lack of credibility in Congress has forced

Republicans to investigate.

Hagel said hearings would consume precious time from the remaining 40-odd legislative days on the Senate calendar and would "distract" senators from more pressing legislation.

"Trust is the only currency any of us [politicians] have," Hagel added. "Clinton lost that trust. And it's affecting everything."

"There's not a conscious bitterness," explained Sen. Tim Hutchinson, a Republican from the president's home state of Arkansas. "It's more subliminal. It never gets mentioned, but it colors the overall lack of harmony, the lack of cooperation this session."

Even Sen. Bob Graham of Florida, the only Democrat to call for hearings, questioned Clinton's honesty and the administration's integrity during the raid.

"Honest negotiations by honorable citizens were frustrated by the Department of Justice," Graham said, after alleging

■ CONTINUED ON PAGE 17

China bill gains more votes as Levin hones proposal

By Mary Shaffrey

Pro-trade Democrats got a significant boost Tuesday when two more Democrats, Reps. Steny Hoyer and Lois Capps, announced support for permanent normal trade relations with China.

Hoyer (D-Md.), a moderate who had opposed what was then called most

on the rule of law."

Hoyer, who hopes to be majority whip if the Democrats regain control of the House next year, predicted that congressional approval of PNTR for China will ease the way for China's admission to the WTO, which he said is a sign that China recognizes the "political and economic

The Hill ■ Wednesday, May 3, 2000

GOP's distrust drives congressional agenda

■ CONTINUED FROM PAGE 1

that Clinton broke his promise not to take Elian during the night.

Democrats agree that deep-seated mistrust of the president is responsible not only for detours into investigations, but for most of the deadlock during this Congress.

"They [Republicans] can't help themselves," said Senate Minority Leader Tom Daschle (D-S.D.). They are so consumed by their dislike of the president that it drives many decisions that they, in many cases, know are not necessarily good for them.

Even though polls show that the public does not favor hearings on the Elian Gonzalez case, Senate Majority Leader Trent Lott (R-Miss.) has renewed his vow to hold hearings.

Yet some weary Senate Republicans are joining Democrats in denouncing an investigation.

Sen. Charles Grassley (R-Iowa) said that Republicans gained politically from the administration's raid of the home of Elian Gonzalez's Miami relatives, but he added that a Republican-led investigation would only detract from the story.

"There's no better evidence of mishandling the issue than that picture," Grassley said last week, referring to the widely displayed Associated Press photo showing an Immigration and Naturalization Service (INS) agent taking the frightened boy from the Miami home.

"But hearings won't accomplish anything," the senior senator from Iowa added. "Any hearings we have would detract from our victory."

Meanwhile, Senate Judiciary Chairman Orrin Hatch (R-Utah), who scheduled a hearing for Wednesday, retreated from

his earlier position. He postponed the hearing last week and left open the possibility he would not reschedule one.

"Once we get those [government documents] I think we can make an intelligent appraisal as to whether hearings should be held or not, whether we should go forth or not," Hatch said Sunday on NBC's "Meet the Press."

Moderate Sen. James Jeffords (R-Vt.) agreed that Clinton's lack of credibility was "a large part of the need for hearings."

And Lincoln Chafee (R-R.I.), another moderate who said he does not support Clinton's impeachment led to the hearings, said lingering resentment from the impeachment led to the hearings. "Everybody knows we're still struggling to come out of the post-impeachment era," he said. "There's a lot of emotion surrounding the INS raid, and regarding the INS raid, and Republicans want to capitalize."

Clinton's inability to grant solid support for granting China PNTR also saps the president's lack of credibility in Congress, according to Hagel. "We're in serious trouble on this China issue," Hagel said, noting that Rep. Robert Matsui (D-Calif.) Clinton's port man in the House has said he might not support the president because of the technology industry's excessive lobbying.

"There's definitely a distrust of Bill Clinton," agreed Assistant Majority Leader Don Nickles (R-Okla.). "I think his credibility has been hurt on trade status with China."

His speech in Seattle hurt him tremendously. He had a world stage for free trade, and he gets up and panders to the environmentalists and labor anarchists."

Democrats, however, quick to point out Republicans' equally difficult time in passing their own legislation, say their



Sen. Hagel
COURTESY, ERIK

Republican colleagues' hatred has turned to vengeance, damaging not only the country but also their party.

Daschle pointed to Sen. Jesse Helms (R-N.C.) recent declaration that he would rather bill a possible arms deal with Russia than contribute to a "legacy" for the lame-duck president as evidence that hatred is driving the Republican agenda.

Although Russia ratified a Comprehensive Test Ban Treaty last week, Helms warned Clinton on the Senate floor that any anti-ballistic missile treaty in response to Russia's recent overtures would be dead-on-arrival at his committee.

"The tenor of his voice and the tone of his comments express again the vindictiveness and the passionate dislike for the president," Daschle said.

Daschle added that the Republicans' refusal to pass the Comprehensive Test Ban Treaty last October, which failed on a vote of 51 to 48 largely along party lines, was another example of Republicans knowing vengeance.

"I've heard from Republicans who express to me their concern for the depth of vindictiveness against Daschle said. "Not only does it hurt the party and the caucus, but it hurts the country."

Daschle also pointed to Republicans' holds on judicial nominations as evidence of retribution. Sen. James Inhofe (Okla.) and 16 other Republicans have placed holds on all judicial nominations while Democrats have held only one appointment—Buddy Smith, an opponent of campaign finance reform, to the Federal Elections Commission.

Inhofe placed holds on the judges in retaliation against Clinton's alleged violation of an agreement he made last June to notify Republicans of any federal appointments he plans to make during Congressional recesses.

The agreement, Inhofe's spokesman said, was made to end a breakdown in trust between Senate Republicans and the White House following the impeachment trial.

Although Lott did not honor Inhofe's hold, he has allowed votes for only seven of the nominees.

The Senate is likely to accomplish little in the remaining legislative day this year, regardless of whether the Senate conducts another investigation, senators said.

But whether Clinton's legacy of mistrust will carry over to Vice President Al Gore this November remains to be seen. Concerning consistency and credibility, Hagel quipped, "Gore is in a tough spot."

Mr. BURTON. Mr. Lindsay, it was in June 1998 when you learned about the Mail2 problem, wasn't it?

Mr. LINDSAY. Yes, sir.

Mr. BURTON. After you learned about the problem, you took steps to determine the nature of the problem and then assisted in the appropriation of exhibit 1—do we have Exhibit 1 to put on the screen? exhibit 1. If not, you have it before you, which is a memo from Virginia Apuzzo to John Podesta explaining the problem—didn't you?

Mr. LINDSAY. That's what I testified to last week.

Mr. BURTON. On June 19, 1998, you met with Charles Ruff, the chief counsel, to inform him of the problem, didn't you?

Mr. LINDSAY. That's what I testified to at the last session.

Mr. BURTON. Was Cheryl Mills present at that meeting?

Mr. LINDSAY. I have no recollection of ever discussing this matter at all with Ms. Mills.

Mr. BURTON. Was Cheryl Mills present at the meeting?

Mr. LINDSAY. Not to my recollection.

Mr. BURTON. You don't recall whether or not she was at the meeting.

Mr. LINDSAY. No, I do not, sir.

Mr. BURTON. Well, exhibit 48, Mr. Ruff's calendar, indicates that she was present. Now she's one of the highest-ranking people in the White House counsel's office, and you don't remember whether she was there.

[Exhibit 48 follows:]

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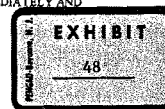
TO: Steven Lich

Fax No.: ~~202-295-5001~~
Phone No:

FROM: Charles Ruff

Phone No. 202-~~295-5000~~
Fax No. 202-~~295-5001~~REMARKS*See June 19.*

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 Calendar

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REDACTED

NON-RESPONSIVE MATERIALS
REDACTED

Mr. LINDSAY. If your question, sir—if that reference refreshes my recollection as to whether or not Miss Mills was there, my answer to that question would be, no, it does not.

Mr. BURTON. You don't remember. And you don't remember the phone call that you made also and talked with Ms. Crabtree, then Ms. Crabtree, about with the people from the Northrop Grumman corporation present either. You don't remember that either.

Mr. LINDSAY. No, I don't. As I testified before, sir, there are many, many different conversations that I had with lots of people.

Mr. BURTON. I understand you just don't remember. Did you state anything to the effect that the technical problem was limited only to Monica Lewinsky's e-mails?

Mr. LINDSAY. I don't have a specific recollection of that other than what is contained in the memorandum, and I think that that document speaks for itself.

Mr. BURTON. Did anyone at the meeting indicate that they didn't understand what you were talking about?

Mr. LINDSAY. I don't have any recollection of the reaction of what people said to what I said. All I was focused on was conveying the information. I believe that the information contained in the document contains at least the sum and substance and speaks for itself for what I was trying to convey.

Mr. BURTON. Mr. Ruff, your meeting with Mr. Lindsay on June 19, 1998, was that the first time that you were made aware or exposed to the Mail2 problem?

Mr. RUFF. I can't recall, Mr. Chairman, whether I received the Apuzzo memo contemporaneously or shortly before the meeting, but it's my best recollection that the meeting was the first occasion on which I heard of it.

Mr. BURTON. Do you recall what Mr. Lindsay told you about the problem?

Mr. RUFF. Only in very general terms, Mr. Chairman.

Mr. BURTON. You do recall that Mr. Lindsay told you there was a failure with the ARMS system that disabled ARMS from capturing incoming e-mail.

Mr. RUFF. I have that general recollection, yes, sir.

Mr. BURTON. Based on the information that Mr. Lindsay gave you, were you concerned that the problem might have affected the White House's ability to comply with outstanding subpoenas?

Mr. RUFF. I was, yes.

Mr. BURTON. You were aware of that.

Ms. Mills, were you at that meeting?

Ms. MILLS. I don't believe I was.

Mr. BURTON. You don't believe you were.

Ms. MILLS. No, because my first recollection of learning of this matter was from Mr. Ruff.

Mr. BURTON. So you say you don't recall attending or you didn't attend that meeting.

Mr. HILL. I don't believe I did attend the meeting.

Mr. BURTON. Categorically, can you say you did not?

Ms. MILLS. That's my best recollection.

Mr. BURTON. So what you're saying, your best recollection is you really don't remember whether you attended the meeting or not.

Ms. MILLS. My best recollection is that I did not attend the meeting.

Mr. BURTON. But you're not sure.

Ms. MILLS. Well, Mr. Chairman, I'm under oath, and I'm familiar with the practices in this room, so I'm trying to be as honest and truthful as I can, and so I want to make sure that I am giving you accurate information. I don't believe I attended the meeting. That's my best recollection, because I recall learning of this matter from Mr. Ruff.

Mr. BURTON. Did you get a copy of the Podesta memo?

Ms. MILLS. I did not.

Mr. BURTON. What did Mr. Ruff tell you about the problem before the meeting?

Ms. MILLS. I don't recall having a discussion with Mr. Ruff about the problem before the meeting.

Mr. BURTON. What is your recollection of Mr. Lindsay's briefing about the e-mail problem?

Ms. MILLS. I don't know what Mr. Lindsay's briefing was. I spoke with Mr. Ruff after his meeting with Mr. Lindsay.

Mr. BURTON. Mr. Ruff, what did you do to handle the problem?

Mr. RUFF. Mr. Chairman, my recollection is—and I will tell you that it is not a detailed recollection—is that, following the meeting with Mr. Lindsay, I did discuss the matter with Ms. Mills. I believe that the next steps—and I cannot tell the committee exactly what those steps were—was to make further inquiry into whether or not the problem that Mr. Lindsay described did indeed have an adverse affect on our collection and production of documents.

Mr. BURTON. Did you tell Ms. Mills that she needed to make sure the problem didn't affect both past document productions and future searches?

Mr. RUFF. I do not recall the specifics of my conversation with Ms. Mills. I think it's fair to say that my immediate focus was on whether we had adequately complied with the outstanding independent counsel subpoena relating to the Lewinsky matter.

Mr. BURTON. Ms. Mills, what did Mr. Ruff ask you to do to solve the problem?

Ms. MILLS. Mr. Chairman, Mr. Ruff indicated that there had been a problem with certain e-mails that might not have been captured, that OA was gathering them, that they were going to forward them to our office. We were going to then need to make a determination whether or not those e-mails had or had not been produced and if they had not been produced that we needed to produce them immediately.

Mr. BURTON. Did you work with any other members of the White House counsel's office in determining the scope of the problem?

Ms. MILLS. The e-mails—the material came from OA over to our office; and I forwarded them to Shelly Peterson, an associate counsel in our office, who reviewed the materials to determine whether or not they were duplicative or whether or not in fact there were e-mails that had not been captured.

Mr. BURTON. Shelly Peterson is her name.

Ms. MILLS. Yes.

Mr. BURTON. What steps did you take to determine the nature of the problem?

Ms. MILLS. It was my impression that the problem—that there was an e-mail problem where certain e-mails had not been captured and that the e-mails were being gathered that had not been captured and we were then going to have to make a determination as to whether or not those e-mails had, in fact, not been captured.

Mr. BURTON. Did you develop a test search to diagnose the problem?

Ms. MILLS. I did not.

Mr. BURTON. What was the search that you developed?

Ms. MILLS. Mr. Chairman, I didn't develop a search. It was my understanding that the Office of Administration was going to be forwarding over e-mails that may have been missed and that those e-mails needed to be searched and reviewed with respect to prior document productions to make a determination as to whether or not they had or had not been produced.

Mr. BURTON. I think we were told by the Office of Administration that the White House counsel's office had developed a search.

Ms. MILLS. If that is the case, I wasn't a part of that development.

Mr. BURTON. Who would have been?

Ms. MILLS. I don't know the answer to your question.

Mr. BURTON. Mr. Ruff, who would have been the one that was in charge of—

Mr. RUFF. I do not know who conversed with the Office of Administration on this subject, Mr. Chairman.

Mr. BURTON. That's kind of mystifying, if we were told that the counsel's office developed a search procedure and was sent to the Office of Administration and you say you don't recall any of that.

Mr. RUFF. I do not. I was not—

Mr. BURTON. And Ms. Mills doesn't either.

Ms. MILLS. That's correct.

Mr. BURTON. Well, the Office of Administration said they didn't develop searches. Is that correct, Mr. Lindsay?

Mr. LINDSAY. That's correct.

Mr. BURTON. So nobody was developing any search program.

Mr. LINDSAY. I don't think that that's an accurate characterization of people's testimony here. I believe my recollection—what I testified about last time was that I did not recall who the person was who gave the information to me to have the search conducted. And, frankly, considering the fact that there are other investigations going on, there are other matters that were going on and lots of other important business that was going on, the actual individual, the identity was not something that I would log in my memory as being particularly significant. As long as the task was performed, that was the important fact.

Mr. BURTON. Who developed the search?

Mr. LINDSAY. I don't know sir.

Mr. BURTON. You don't know. Ms. Mills doesn't know. Mr. Ruff doesn't know. Does anybody know?

Have you talked to anybody that developed the search?

Mr. LINDSAY. I have not inquired on that issue.

Mr. BURTON. Why not?

Mr. LINDSAY. For a variety of reasons. I think that one of the reasons why I wouldn't inquire with those individuals as to how

they were developing those things is because there were serious allegations that were made against me and my conduct in this matter. I have been very careful in my communications with people who could be potential witnesses and come before the committee. I am very sensitive to the fact that it is possible that people could make an allegation that I was trying to conjure testimony or conjure information. What I can do and bring before you is information which is within my knowledge and what I can testify about. And I'm giving you that state of knowledge as I am presenting to you here today.

Mr. BURTON. So, you don't—there was a test search, though, done, and you're familiar with that.

Mr. LINDSAY. Yes, sir.

Mr. BURTON. OK. Did you discuss the test search with anyone else either in the counsel's office or the Office of Administration?

Mr. LINDSAY. When I received the information I passed it on to the technical staff so they can conduct the work.

Please remember that this is not a usual practice, for that kind of information to be passed onto me. So I passed it on to the people who were working with—and my direct involvement with this particular matter that was Laura Crabtree and the Northrop Grumman employees. They conducted the work, I don't have a recollection as to how long it took, and then that information was passed back to the counsel's office.

Mr. BURTON. Who actually carried out the search for the Lewinsky related e-mails?

Mr. LINDSAY. I could not tell you who actually looked at it. It was my understanding that it was a team of people. I passed the information to Laura Crabtree. Ms. Lambuth, I believe, was involved with it in some way; and Mr. Haas was involved with it in some way. It was my understanding at the time, and I believe that this may not be completely accurate, that he did that on his own in an office and conducted that review.

Mr. BURTON. But you requested the test search.

Mr. LINDSAY. Yes, sir.

Mr. BURTON. How long after the search was requested, how long was it before you got the results?

Mr. LINDSAY. I don't recall, sir.

Mr. BURTON. You don't recall that. Do you know who brought the results to you?

Mr. LINDSAY. It was either Laura Crabtree or Betty Lambuth, one of the two.

Mr. BURTON. Did you then analyze the e-mails that were gathered in response to the search and how did you analyze them?

Mr. LINDSAY. I did not analyze them. To this day, I have not looked at a single one of them.

Mr. BURTON. What was your conclusion about the e-mails that had been gathered when they gave the information to you?

Mr. LINDSAY. I made no conclusion, sir.

Mr. BURTON. Did you see the report, after the search was made, Ms. Mills?

Ms. MILLS. Could you clarify your question? I'm trying to understand what you mean by report.

Mr. BURTON. Well, the research that was done regarding the Lewinsky matter, when it was concluded and given to Mr. Lindsay, obviously you or somebody at the Office of Administration got that. Did you review that?

Ms. MILLS. You use the term "report." What we received were e-mails that were the result of the search.

Mr. BURTON. These are the e-mails from the Lewinsky search.

Ms. MILLS. Obviously, I'm not in a position to——

Mr. BURTON. You can take my word for it. That's what they are. Did you analyze those after the search was done?

Ms. MILLS. I sent the e-mails to Shelly Peterson in our office, who was handling a lot of the investigative matters related to the Lewinsky investigation, to review them to determine whether or not the e-mails had been produced or were duplicative or had not been produced. So——

Mr. BURTON. Did the results of your analysis or reviewing this lead you to conclude that the problem Mark Lindsay told you about in fact did not affect the White House's compliance with subpoenas?

Ms. MILLS. I'm sorry, I don't understand your question. Because it suggested that I did an analysis. What I did was receive the e-mails and forwarded them to Ms. Peterson to review the e-mails to determine whether or not they had been produced or not. And if they had not been produced, then we needed to produce them; and if they had been produced, they would obviously have been duplicative and would have been captured.

Mr. BURTON. Once that you saw that there was a problem with e-mails that had not been produced, did that concern you or did you understand that there was a problem with noncompliance with subpoenas that had been sent by the independent counsels and the Congress?

Ms. MILLS. Could you explain your question? You said once I saw——

Mr. BURTON. Once you saw there was an e-mail problem.

Ms. MILLS. I didn't see that there was an e-mail problem. It was my understanding that there were e-mails that had not been captured, that those e-mails were then being collected, that we then needed to make a determination as to whether or not they had been captured or not. If they had not been, then we needed to produce them immediately.

Mr. BURTON. Well, Mr. Lindsay, the Office of Administration had made the counsel's office aware that there was an e-mail problem that they hadn't captured since September 1996. Weren't you aware of that?

Ms. MILLS. No. I was not a part of the meeting, to the best of my recollection. I learned about the matter from Mr. Ruff afterwards.

Mr. BURTON. That's the meeting that Mr. Lindsay had with Mr. Ruff where you're not sure you were in attendance and Mr. Lindsay is not sure you were there.

Ms. MILLS. I don't believe I was there. That's my best recollection.

Mr. BURTON. Your best recollection.

Ms. MILLS. And I don't recall occasion where I had a conversation with Mr. Lindsay on this matter.

Mr. BURTON. Didn't Mr. Ruff mention to you after his meeting with Mr. Lindsay there was a problem with the e-mails?

Ms. MILLS. Mr. Ruff indicated that there was a problem that e-mails may not have been captured, that the Office of Administration was collecting those e-mails, and we were going to have to make a determination as to whether or not those e-mails had or had not been captured, and if they had not been we needed to produce them immediately.

Mr. BURTON. Can you tell us exactly or to the best of your recollection what you told Ms. Mills about the e-mail problem and what you instructed her to do?

Mr. RUFF. As I think as reflected in my interview with the committee, Mr. Chairman, I did not have a recollection as to whether Ms. Mills was or was not present at the original meeting with Mr. Lindsay. And thus, candidly, I do not have a recollection of a subsequent conversation. But I take at face value Ms. Mills' recollection as being accurate, and I cannot either add or subtract from her description.

Mr. BURTON. Mr. Ruff, you were the chief counsel to the President. You were the one that was supposed to make sure the subpoenas were complied with. You were told by Mr. Lindsay that there was a problem with e-mails that had not been captured since September 1996, which was right at the beginning or the height of the campaign finance scandal. So you knew there was going to be some concern about that.

Mr. RUFF. I have already so stated.

Mr. BURTON. So what did you do? I mean, did you—what did you do?

Mr. RUFF. My best recollection is that, either directly or indirectly through my conversation with Ms. Mills, we were going to have a search performed by the Office of Administration who typically does our electric—or did our electronic searches, to determine whether in fact what I had been told by Mr. Lindsay about this problem did indeed have an adverse effect on our collection and production of documents, specifically focused, for obvious reasons, on the most recent subpoena issue, that is, the Lewinsky subpoena from the Office of Independent Counsel.

Mr. BURTON. So you knew that there was a problem. You knew a search had to be done.

Mr. RUFF. That's correct.

Mr. BURTON. And you don't recall who you asked to conduct the search.

Mr. RUFF. I do not.

Mr. BURTON. And Ms. Mills—you don't recall talking to Ms. Mills about this.

Mr. RUFF. I recall either talking to Ms. Mills afterwards or during the meeting. I take at face value, as I've said, her recollection that she was not present and that we talked there after rather than at the meeting itself.

Mr. BURTON. Well, did you ask Ms. Mills to pursue the search and to make sure that the search was done by the Department of Administration?

Mr. RUFF. I don't recall what I specifically said to Ms. Mills, but I knew that a search was being conducted. I do not know, as I've already said, who framed the boundaries of the search or how it was being conducted by OA.

Mr. BURTON. Mr. Ruff, you're one of the brightest lawyers in this town. You know the gravity of the situation. You knew that there was a problem. You had to instruct somebody to conduct the search to make sure there was compliance with the subpoenas. You don't remember who you asked to do the search?

Mr. RUFF. I do not know whether indeed I did ask somebody to do the search. My recollection is that a search was being conducted—was being conducted by the Office of Administration and the appropriate people within that office and that the goal of the search was to determine whether or not the e-mail problem that Mr. Lindsay described to me had adversely affected our collection and production of documents and response to the independent counsel's subpoena.

Mr. BURTON. Where does the buck stop? In compliance with subpoenas, where does the buck stop?

Mr. RUFF. Mr. Chairman, as has been the case from the very first moment that you and I talked, I take—I took responsibility then, I take responsibility now for the work of my office and my staff. And in that sense the buck stops with me.

Mr. BURTON. So it stops with you. And you're a very bright attorney. I cannot for the life of me believe that you saw there was an e-mail problem, you knew a search had to be done, and you talked to Ms. Mills about it, you had been talked to by Mr. Lindsay about it, and you don't know who you asked to conduct the search to comply with the subpoenas from independent counsels and the Congress and the Justice Department.

Mr. RUFF. Mr. Chairman, I can vouch for this much. I knew that a search was being conducted by one of the members—one or more members of my staff, and I cannot tell you who was responsible for document production and I am certain was talking to the Office of Administration. If I knew who that was, I would tell you who it was. But I do not recall.

Mr. BURTON. This was a very broad problem. How is it confined down to a very narrow search of just the Lewinsky case?

Mr. RUFF. My understanding of the problem was that the problem existed. I did not know how broad it was or what effect it had. Thus, in my view, a search particularly focused on compliance with the independent counsel's subpoena in the Lewinsky matter was a device for determining whether indeed the problem described to me had had an affect on our compliance with subpoenas.

Mr. BURTON. Who did you ask to conduct that limited search?

Mr. RUFF. As I've said, Mr. Chairman, in response to your previous questions, I do not recall having such a conversation. I cannot tell you who framed that search request for the Office of Administration.

Mr. BURTON. And, Ms. Mills, you don't recall—you don't recall ordering the search or having anything to do with it other than having Mr.—the counsel, Mr. Ruff, tell you about it.

Ms. MILLS. I did not order the search. I did understand that e-mails were being collected, that they were going to be provided to

us, that we needed to review them to make a determination as to whether or not they were duplicative or whether or not they had not been captured, and if they had not been captured then we needed to provide them.

Mr. BURTON. But you say you do recall Mr. Ruff bringing this to your attention.

Ms. MILLS. Yes.

Mr. BURTON. And do you recall him asking you to conduct a search or to make sure a search was done?

Ms. MILLS. I recall him telling me that OA was conducting a search and they would then be providing us with the materials.

Mr. BURTON. But he didn't ask you to be in charge of that.

Ms. MILLS. No.

Mr. BURTON. What did he ask you to do?

Ms. MILLS. He told me that the materials would be coming over and then we were going to need to make a determination with respect to whether or not the materials reflected that e-mails had not been captured or that they had been, and so that we were going to have to have, obviously, our staff review all of the different materials that were collected to make a determination to answer that question.

Mr. BURTON. But you didn't ask Mr. Lindsay to conduct a search or give him any boundaries. And Mr. Ruff, you don't recall doing that either.

Mr. RUFF. No, Mr. Chairman.

Ms. MILLS. No.

Mr. BURTON. When you talked to Mr. Lindsay, Mr. Ruff, and he brought to this to your attention, do you remember what you said to him? Did you say, "oh, my gosh, this is something that we have got to do something about."

Mr. RUFF. I don't remember what I said to Mr. Lindsay. But as I've already stated, Mr. Chairman, I understood that this was an issue that we needed to address and in particular in the context of the independent counsel's subpoena.

Mr. BURTON. What about the other contacts in addition to the independent counsel's subpoenas? You had subpoenas from us, you had subpoenas from a number of independent counsels and probably from other committees of Congress.

Mr. RUFF. My immediate focus, given the time and the circumstances we were living through at that time, Mr. Chairman, was to focus on our immediate compliance with the independent counsel's subpoena. If in fact I had concluded that indeed there was a broader ranging problem that adversely affected our early productions, obviously I would have done something about it.

Mr. BURTON. This question I have for Ms. Mills is irrelevant I guess, because she says she doesn't recall asking them to conduct the search, but I'll ask it anyway. Ms. Mills, the names that you asked the technical people at OA to use in running the test searches were related only to the Lewinsky case, but you don't recall that at all.

Ms. MILLS. I didn't ask anyone—I didn't conduct or undertake the technical search terms or provide the technical search terms, that's correct.

Mr. BURTON. Given the nature of the Lewinsky search, how could it have told you that there wasn't a broader, larger universe of potentially responsive documents?

Ms. MILLS. To whom are you directing your question?

Mr. BURTON. You and Mr. Ruff.

Ms. MILLS. I didn't understand or appreciate that there was a broader problem. From my perspective, I thought we were collecting the e-mails that had been captured. So what we were looking at then was the e-mails that potentially might have been missed and that needed to be produced if they had been missed.

Mr. BURTON. So you didn't know about a broader universe of documents.

Ms. MILLS. Correct. It was not my impression that there was a broader universe of documents.

Mr. BURTON. Mr. Lindsay came to see you, Mr. Ruff; and when he came to see you he told you that there was a broad problem with the e-mails, not just restricted to the Lewinsky matter. I mean, he had to tell you that because he knew that the e-mails since September 1996 hadn't been captured. And so my question is, if you knew there was a broader universe, why—

Mr. LINDSAY. Excuse me, Mr. Chairman. It was not that there were—all e-mails. We're only talking about incoming e-mails, which is a very much smaller—

Mr. BURTON. It was 248,000 that we know of. In any event—

Mr. LINDSAY. We don't necessarily know that, sir.

Mr. BURTON. When he brought to your attention that there was a broad array of e-mails that were not captured, you knew it went beyond the Lewinsky matter. Why wasn't the whole thing looked into instead of limiting just to the Lewinsky matter?

Mr. RUFF. Mr. Chairman, my view of the problem, as best I recall it coming out of my meeting with Mr. Lindsay and subsequent events, was indeed there may have been a problem and it may indeed have affected our past compliance with subpoenas. Once—as I've indicated in my interview with the committee counsel—once it turned out that the Lewinsky e-mails had, in fact, all been collected, the incoming Lewinsky e-mails had been collected, it was my view, whether mistaken or not, that indeed the problem Mr. Lindsay had described to me had not affected our capacity to collect and produce documents.

Whether that was my technical ignorance or whether it was a misunderstanding of the problem, what I represent to you, as I have previously, is that at the point where the word came back to me that the Lewinsky e-mails had in fact been collected and it turned out they were duplicative of what we had already found, I believed that the problem did not, in fact, retrospectively affect our compliance.

Mr. BURTON. It just mystifies me. Mr. Lindsay had to give you a complete analysis of the problem. That was his charge. He had to tell you that there was e-mails that weren't captured in a broad array of areas. And you recall it being confined to the Lewinsky matter. You recall that.

Mr. RUFF. No, Mr. Chairman, that's not what I've said. What I said was that I came away from my discussion with Mr. Lindsay recognizing that there was a problem, that my focus initially was

on the Lewinsky subpoenas because those were the ones of the most immediate and practical concern to my office. That when the report came back to me that indeed the Lewinsky subpoenas had produced the same documents that had been found in this e-mail search I believed that the problem did not in fact adversely affect our past searches.

Mr. BURTON. Well, my time is expiring. I will have to yield to Mr. Waxman. But I have to tell you that it just stretches credulity to believe that Mr. Lindsay would come to you, tell you about the problem, Mrs. Mills doesn't remember whether she was in the meeting, he doesn't remember whether she was in the meeting, he doesn't remember whether he made a phone call to talk to the Northrop Grumman employees who were threatened. Nobody remembers anything. You don't remember, she doesn't remember who ordered the search or how broad the search was. You know, I hope whoever is paying attention to this realizes that we have a lot of people in the White House that simply don't remember anything.

Mr. Waxman.

Mr. WAXMAN. Mr. Ruff, Ms. Mills, Mr. Lindsay, thank you all for being here today.

This is the 4th day of hearings we've had in this committee on this missing White House e-mails, and during these hearings our chairman and other Republican Members have made some extremely strong allegations. They've alleged that the White House threatened individuals if they disclosed the e-mail problem, they have alleged that the White House deliberately covered up the e-mail problem, and they've alleged that the White House obstructed justice by knowingly failing to disclose that the White House had potentially responsive e-mails that hadn't been searched in response to subpoenas. So I want to ask you about these allegations. These are very serious allegations that have been made.

Now let's look at the first one. The first one is that once the e-mail glitch was discovered the White House threatened outside contractors who discovered the problem with jail if they told anybody about them.

For example, Representative Chenoweth-Hage, who is a member of our committee, said in an open hearing, "Evidence suggests that contracted staffers were personally threatened with repercussions and even jail should they mention the very existence of the server problem to anyone, even their bosses. This occurred while these e-mails were under subpoena. This is inexcusable. This is criminal. If this is not obstruction of justice, I don't know what is. If one were to apply the standard of an ongoing criminal conspiracy, the White House fits it."

Now that's the allegation that was made in one of our previous hearings.

Mr. Ruff, you've had a distinguished career in public service. You have been a member of the U.S. Attorney's Office for the—you were the U.S. attorney for the District of Columbia, president of the District of Columbia Bar, corporation counsel for the District of Columbia, White House counsel. Your reputation for integrity is, I think, untarnished. I want to ask you about this allegation that

was made. Did you ever threaten anybody with jail or in any way if they ever revealed the e-mail problem?

Mr. RUFF. Of course not, Congressman Waxman. Neither I nor anyone on my staff nor candidly anyone that I knew at the White House would ever have made such a threat.

Mr. WAXMAN. Well, let me ask more specifically for the record, you say you didn't do it directly. Did anyone do it indirectly at your behest to threaten anybody?

Mr. RUFF. Absolutely not.

Mr. WAXMAN. Did you participate in or have any knowledge of any White House effort to threaten anyone?

Mr. RUFF. Absolutely not.

Mr. WAXMAN. Ms. Mills, let me ask you the very same questions. Did you directly or indirectly or in concert with others in the White House threaten anyone if they revealed the missing White House e-mails that are the subject of this hearing?

Ms. MILLS. I did not.

Mr. WAXMAN. Well, the second allegation that we have to explore is whether there was a concerted effort by the White House to cover up the e-mail problem. For example, in our first hearing on this matter, the chairman said the White House—and this is the chairman's statement in a public hearing—basically had two choices: They could face up to the problem, tell the Justice Department and the Congress what happened and get it fixed, or they could throw a blanket over the whole problem, ignore it and hope nobody would find out. It looks like they chose to cover it up.

That's the statement of the chairman.

Mr. Ruff, let's hear from you about this allegation. Did you ever cover up or attempt to cover up the e-mail problem from congressional or other investigative bodies?

Mr. RUFF. I did not, Congressman Waxman.

And let me just say in that regard that whatever the tensions that existed in our relationship with this committee and indeed with other congressional committees during the course of my tenure in the White House, we were on every occasion forthcoming when we found something that had not been produced or where there was a problem we brought it to the attention of the committee, we produced the documents.

I can tell you that members of my staff spent many an unhappy hour with the staff of this committee explaining why indeed some failure in our system had delayed the production of documents. And rather than even suggest at any time that any member of my staff or to my knowledge anyone else in the White House would conceal a problem like this, to the contrary, we stepped forward, we made our mistakes, if we ever committed them, known to the committee, and produced the relevant documents, and we did so as quickly as possible.

Mr. WAXMAN. Ms. Mills, let me ask you about this issue of the cover-up. Were you involved or do you have any knowledge of a cover-up by the White House to keep the e-mail issue from the legitimate investigators that had subpoenaed the information and didn't receive it.

Ms. MILLS. Absolutely not. I would like to echo Mr. Ruff's sentiments. He was always very clear about his position with respect to

documents and materials that came to light later, after we believed that we had been successful in capturing everything; and the clear direction always was that we needed to produce them as soon as possible.

Mr. WAXMAN. Mr. Lindsay, did you know about any cover-up or were you part of any cover-up about these White House e-mails?

Mr. LINDSAY. Absolutely not sir.

Mr. WAXMAN. Then the third allegation that's thrown around quite loosely around this place is, the White House knew that it had not produced all the responsive e-mails, but decided not to tell Congress or the independent counsel.

Chairman Burton and others have alleged that this is obstruction of justice. For example, yesterday Representative Shays stated that, the White House obstructed justice and we're trying to see who did it. That was his statement at a hearing.

Mr. Ruff, let me ask you about this allegation. Were you aware at any time that the White House possessed responsive e-mails that it had not produced to investigators in response to subpoena.

Mr. RUFF. Mr. Congressman, the answer to that question is in essence the same as the previous one. I took and I know that members of my staff took whatever steps we believed were necessary to uncover the existence of a problem. If we believed one existed, and that includes the e-mails, we would have done something to deal with it. Never, not once, did anyone on my staff seek to conceal, delay production of or otherwise cover up any document production whether it be electronic or paper.

Mr. WAXMAN. What about you, Ms. Mills, did you participate or did you know of any White House cover-up about these e-mails?

Ms. MILLS. I was not aware of any cover-up with respect to the e-mails and do not believe that that would have occurred.

Mr. WAXMAN. Mr. Lindsay, do you have any knowledge of any cover-up?

Mr. LINDSAY. I have no knowledge of any cover-up and nor would I have participated in any one if there was one that existed.

Mr. WAXMAN. Mr. Ruff, I want to walk us through a chronology of what you know about the e-mail computer glitch from your perspective.

When did you first become aware that there was a potential e-mail problem?

Mr. RUFF. I first became aware it was when Mr. Lindsay met with me in June 1998.

Mr. WAXMAN. And what was your understanding of the scope of the problem?

Mr. RUFF. My understanding of the problem at that point was that there had been a technical problem, that indeed incoming e-mails may not have been collected during a period of time that extended back beyond the date of our meeting, and that indeed it was going to be necessary to determine; particularly in the context of the Lewinsky subpoenas, whether in fact we had collected all the documents that were in existence.

Mr. WAXMAN. And what did you do after you became aware of this?

Mr. RUFF. As I've indicated in responding to the chairman's questions, I do not recall what specific conversations I had, but I know

that efforts were undertaken to shape a tasking for the Office of Administration to inquire into whether the Lewinsky-related e-mails had in fact been encompassed in and collected by our previous search.

Mr. WAXMAN. And did your staff report back to you after the problem had been explored?

Mr. RUFF. They did. It was reported back to me that, in fact, after searching pursuant to the directions to the Office of Administration, the e-mails that had been found were duplicative of what had already been produced to the independent counsel's office.

Mr. WAXMAN. So as far as you knew, these e-mails had gone to the investigators?

Mr. RUFF. That's correct, Mr. Congressman. And further, I extrapolated from that, whether accurately or inaccurately, that the problem that had been described to me did not indeed have an adverse effect on our compliance with earlier subpoenas.

Mr. WAXMAN. When did you learn that the e-mail problem may in fact have affected this document production?

Mr. RUFF. Candidly, I wasn't aware of that until it surfaced in the newspapers earlier this year.

Mr. WAXMAN. Were you at the White House counsel's office then?

Mr. RUFF. No, I wasn't.

Mr. WAXMAN. The Republicans have alleged that you or your office participated in covering up evidence of these missing White House e-mails, but in fact you have a track record in this area; you referred to it a few minutes ago. On several occasions during your tenure at the White House counsel's office, you or your office discovered that relevant evidence had not been turned over to Congress.

Mr. RUFF. That's correct.

Mr. WAXMAN. Maybe it hadn't been completely turned over to Congress. I want to ask you about some of those specific incidents.

In October 1997, your office learned that the White House communications agency had videotaped certain White House coffees, but it had not provided them to the Congress. What did you do after you found this out? Did you try to cover this up or did you promptly disclose it to the Congress?

Mr. RUFF. Congressman Waxman, I think the staff of my office who were involved in it will tell you that they worked literally 24 hours a day once we discovered the existence of this problem, produced those videotapes both to this committee and to Senator Thompson's committee; and I think the record is absolutely clear, both here and in the Senate, that that failure of production was originally a product of a technological or logistical snafu, had nothing to do with anyone's efforts to cover up those videotapes.

Mr. WAXMAN. Well, it's so interesting that this is similar to the issue before us today. Because what you're telling us, that immediately after you found out there was a problem you responded, got the documents produced, sent them to the Congress, you disclosed the existence of the videotapes, and you did the right thing.

Mr. RUFF. I like to think so, Mr. Congressman.

Mr. WAXMAN. Do you know what the response was from Members of Congress?

Mr. RUFF. Many of us lived through that response, yes.

Mr. WAXMAN. Well, Chairman Burton went on CBS, *Face the Nation*, and he said, "Some of the tapes were cutoff very abruptly, and then you go to another tape. We think maybe some of those tapes have been cutoff intentionally. They've been altered in some way."

So he made an allegation of cover-up and tape alteration, and that was widely reported.

Then they were thoroughly investigated. This allegation was made. We had an investigation. We found out that you turned over these tapes, and we also found out they had never been altered in any way. Our committee and the Senate Governmental Affairs Committee failed to produce any evidence of tape alteration; and, in fact, investigations produced compelling evidence that the tapes had not been altered at all. And the further investigation revealed that the reason the videotapes were not initially produced was due to innocuous mistake. One page of the initial search directive faxed from the White House counsel to the White House communications agency had been misplaced. That page contained instructions that would have resulted in a videotape search.

So you have an example where there was a snafu, you found out about the snafu, you produced the documents, and rather than get praised for producing the documents you were accused of a cover-up. Then we had an accusation that the tapes were altered, and it turned out they weren't altered. We never have an apology for the accusations that were incorrect, only a new one that comes along.

Let me give you another one that was given. This committee investigated the White House data base. It's called WhoDB. And this followed the similar pattern. In October 1997, in the process of responding to a request relating to the WhoDB investigation, your office found several documents that were potentially responsive to earlier requests. And within a week you turned these documents over to the committee, noting that it was your policy to err on the side of production.

This didn't satisfy our committee. Representative McIntosh, who led the WhoDB investigation, alleged that the initial failure to turn over the documents was a Federal crime—obstruction of justice. Mr. McIntosh referred Ms. Mills to the Department of Justice, claiming that her actions regarding the documents at issue were Federal crimes. The Department of Justice looked into the issue, and they determined there was just no merit to these accusations.

I think, Ms. Mills, your statement this morning was a superb one. We have to be reminded that we're human beings, sometimes we make mistakes. But we ought to recognize that making a mistake doesn't mean that you're guilty of a crime. And if you're in public service working for an administration and a President that someone doesn't like doesn't mean that you're a criminal for being part of that administration.

And we have a track record on this committee. We have a track record of wild allegations that are made smearing people's reputations. When you are accused of perjury or when Mr. Ruff is accused of obstruction of justice or Mr. Lindsay accused of threatening people and it turns out none of it's true, one, the press doesn't catch up with the facts of the original allegations, they're already in the

paper. And then there are new allegations to take their place, and those new allegations get the headlines, not the facts that clear everybody up. Now it's not an enviable track record that we have on this committee to have unsubstantiated allegations of cover-ups, and I fear that's exactly what's happening today.

Now, Mr. Burton focused in his questioning about whether you took this issue seriously enough and whether someone was in charge or who was in charge. It sounds like some of these things in the specifics you can't recall. I suppose if you had it to do over again, you might have kept better track of who was doing what. But I suppose you had a lot of other things going on during that time as well.

This isn't the only committee that's bombarding you with subpoenas. The President was under investigation, the Senate and the House were looking at impeachment charges, and every opportunity that Members of the Republican leadership in the Congress had, they wanted to hold another investigation.

In retrospect, Mr. Ruff, do you think you would have been better off if you kept better track of who was doing what about these White House e-mails?

Mr. RUFF. I have no doubt in retrospect many events could have been shaped differently and perhaps better. But I think—and I appreciate your comments, Congressman Waxman. I think the bottom line for all of us in the White House counsel's office is that we did our best. We did our best to act professionally and ethically and responsibly. And if in fact we failed to do so in our efforts to do it, it was by inadvertence and not by intention.

Mr. WAXMAN. It's clear to me listening, to the testimony, there is a lapse. But it seems to me an embarrassing lapse of trying to remember who was doing what precisely is a lot different from criminal conduct. And what we have are accusations trying to criminalize the failure to remember who specifically was working on what in your office.

If there was no threat to anybody about the information, if there was no cover-up about the information, if you did everything you could do to get the information to the Congress and the investigators and to correct this technical problem, which was due not to your actions but to the actions of the contractors, Northrop Grumman, who were supposed to develop a White House data base system that could pick up all the e-mails wherever they may come from and, as far as you knew, were doing everything you could do, even if you didn't do everything that you wished you might have done, that's a bit embarrassing because you're the one in charge. But it's not criminal conduct.

Mr. RUFF. I'm not happy, but willing to suffer the embarrassment, which may be justified to the extent that I failed adequately to pursue or understand the matter. But, as you suggest, Congressman Waxman, and I think I speak here for not only myself but all of those who worked with me, never, not once, would anybody on my staff intentionally conceal or seek to cover up any misconduct.

Mr. WAXMAN. I thank you for that answer. You're before a committee that never seems to acknowledge their mistakes nor be responsible for the embarrassments they have caused to others with wild accusations. I have in my time—

Mr. FORD. If you would yield.

Mr. WAXMAN. I yield to Mr. Ford to pursue some questions.

Mr. FORD. Thank you, Mr. Waxman, to the members of the committee. Let me also acknowledge another great patron and servant in the Clinton administration, Mr. Bruce Lindsay, who I believe is here with us this morning, and his daughter, who is a fine student down in my district at Rhodes College and is a frequent phone companion as she is proud of what her dad is doing and trying to do good work at Rhodes College. I think she is now back at home if I'm not mistaken. We miss her in Memphis.

Let me thank also Ms. Mills for having the courage to come before this committee with her candor and frankness about how her contributions in this administration and to contributions she's made to the public service arena over the years. As a member of this committee who is young and who is proud to serve, I am proud of the contributions you have made and relieved to hear that despite the torturous way this committee and members of this Congress, and I would say to my colleagues on the other side that you ought to be embarrassed after listening to this young lady. It almost brought me to tears listening to you to describe how and when you came into the White House at the tender age of 27, leaving at the age of 34, and despite all that you have been through, the unwarranted impugning of your character and unjustified attacks on your integrity, you remain strong and resilient and I think a better public servant after all that you have gone through. It's unfortunate you had to go through what you had to go through, and I hope my colleagues on the other side of the aisle, when they have the opportunity to talk, will apologize to you and apologize to the young Americans that they might with their action and conduct, as despicable as it might have been, might not discourage other young people from wanting to enter into public life.

So with that, Ms. Mills, I would also say in your comments you said you felt that this was risking personal peril, be assured there are those of us on this committee that won't allow Dan Burton or anyone in this committee for that matter to harm you any further than they already have.

I would enter into the record if I could, Chairman Barr, I think you're in the chair now, it probably already has, but there's been references made to the McIntosh letter urging the Justice Department to bring perjury and obstruction of justice charges against Ms. Mills. The May 6, 1999 letter from the Department of Justice reads: "The Department has completed its review of your referral of criminal allegations involving deputy counsel to the President Cheryl Mills. After careful consideration and review of the materials submitted with your letter of September 17th we have determined that further investigation is not warranted and have declined prosecution." I think it's somewhat poetic that the author of this letter was Ms. M. Faith Burton. I would imagine we won't investigate if there's any connection to our chairman. I would enter all of this into the record if that would be OK.

[The information referred to follows:]



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

MAY 6 1999

The Honorable David M. McIntosh
Chairman, Subcommittee on
National Economic Growth, Natural
Resources, and Regulatory Affairs
Committee on Government Reform
and Oversight
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Department has completed its review of your referral of criminal allegations involving Deputy Counsel to the President Cheryl Mills. After careful consideration and review of the material submitted with your letter of September 17, 1998, we have determined that further investigation is not warranted and have declined prosecution.

Thank you again for your interest in this matter.

Sincerely,

M. Faith Burton

M. Faith Burton
Special Counsel to the
Assistant Attorney General

cc: The Honorable Dan Burton
The Honorable Henry Waxman
The Honorable John F. Tierney

Mr. FORD. Let me move to pick up where Mr. Waxman left off, if you don't mind, to all of our witnesses. One of the concerns that I believe and would hope that all of us would have on this committee is the unbelievable costs that this is imposing on the taxpayer. I know that Mr. Waxman requested a GAO study back in 1998 that found in the 18-month period between October 1, 1996 and March 31, 1998, 21 Federal agencies reported that they had received more than 1,100 campaign finance inquiries from Congress. GAO calculated that the cost of responding to these inquiries cost the taxpayers in excess of \$8.7 million. I would point out to members of the press and the committee that that does not include the \$3 million that we spent on this committee investigating all of these, some of them wild, allegations.

We learned yesterday and this morning in a very reliable Washington Times, after Mr. Lyle's testimony, that going back—that the total cost of the e-mail reconstruction could ultimately cost somewhere between \$8 to \$10 million. This is a large price tag I believe for reconstructing incoming e-mails that we're not even certain will have significant relevance to the investigations.

Mr. Ruff, I'm interested in learning about who will have to foot this bill. Will the taxpayers be paying for the MAIL2 reconstruction?

Mr. RUFF. Congressman, although I enjoyed my time in the White House or at least most of it, I am at the disadvantage now of being a private citizen, and I'm not sure that I can answer your question officially, but I suspect, yes, indeed, the taxpayers will be bearing that burden.

Mr. FORD. I ask that to sort of followup, Mr. Ruff, and I appreciate you even coming today being that you should not be put through further harassment, but since you're here, the evidence this committee has received shows that the MAIL2 problem was due to an inadvertent mistake by White House contractors.

Do you believe that the contractor or contractors that caused the problem should be responsible for paying the cost of reconstruction? And I would ask Mr. Lindsay, if he wouldn't mind, to comment on this issue as well.

Mr. RUFF. Congressman, I candidly am uncomfortable in trying to respond to that question because I simply don't know what the facts of the case are.

Mr. FORD. That hasn't stopped us, Mr. Ruff, but I appreciate you responding. Mr. Lindsay, if you wouldn't mind responding, sir.

Mr. LINDSAY. Yes. That is an option that we are in the process of exploring and were in the process of exploring, but because of the exigencies which were imposed by the request by the committee and by other bodies, it was important for us to go ahead and move forward. So the resolution of whether or not we can get any kind of recompense back from the contractor is something that will have to be determined later because of the exigencies imposed by the request by the committee.

Mr. FORD. Ms. Mills, excuse me, if I could come back to you for just 1 second. You described eloquently the cost of this experience. Would you mind just elaborating a bit the costs that were imposed upon you by virtue of this committee calling you before us on so many different occasions, both financial and other, briefly, if you

wouldn't mind. It's good to see you this morning and you look great by the way.

Ms. MILLS. Thank you very much. Well, I have legal fees that I am still paying for lots of allegations that have been made against me, and they're my fees that I have to pay. Today I had a scheduled event with my company that I was supposed to be presenting at as well as having a speech this evening that I was supposed to be giving in New York City, both of which Mr. Burton explained to me were insufficient and he could not indulge my schedule. So in addition to that, certainly during my tenure in the counsel's office, there were many occasions in which the personal toll I felt was relatively high, and I'm grateful for having had the opportunity to serve, but I also am enjoying quite nicely now being in the private sector for the moment.

Thank you for asking.

Mr. FORD. Hopefully we can find a way to bring you back with the next administration.

Mr. Lindsay, if I could come back to you for one moment. Chairman Burton has made some strong allegations regarding your conduct. He said at our March 30 hearing, which I regret that I was not present at, that Mr. Lindsay and Ms. Callahan are accused of doing something that is really wrong. They're accused of trying to intimidate people who work for them. He went on to assert or accuse that because you are a potential target of a Justice Department investigation of the e-mails matter, you had, "every reason to give misleading testimony or to engage in selective memory loss."

I want to ask you a little bit about these allegations because I think you're being unfairly attacked. During our first hearing we heard testimony from six current and former Northrop Grumman contractors and subcontractors. They discussed a meeting that was held with an OA career, and I take it OA means Office of Administration?

Mr. LINDSAY. Correct, sir.

Mr. FORD. With an OA career civil servant named Ms. Laura Crabtree Callahan shortly after the MAIL2 problem was discovered in June 1998. Several of them testified that you addressed the meeting briefly by speakerphone. Now, you do not recall participating in that meeting over the phone or that's correct, that's my understanding—

Mr. LINDSAY. That is correct, sir.

Mr. FORD. In fact, you have been harshly criticized by certain members of the committee for not recalling this phone call, and I digress for one moment. I would imagine that all of my colleagues here in the Congress I would venture to say, I don't know how many of us, with the large number of calls that we receive a day and the meetings we participate in, how many of us could pinpoint the times and all the persons we might have spoken to in a day and each and every person who might have been present in a meeting. We just got off a recess, as many of you know, and some, if not all, of us went home to work, and I couldn't tell you which staff was present in certain meetings with the Port of Memphis or with IBM officials or with labor officials or with school officials. I know certain folks are assigned to those different areas, but I can sympathize and I would imagine some of the allegations that have been

made against our chairman by lobbyists here in town, and I certainly wouldn't engage in any smear tarnish attacks, that all of us at times have this selective memory, to borrow his terminology, I think just human. Humans forget when you might talk to folks, and for us to pull up your day planner that day and show that Ms. Mills' name or whomever's day planner we might have pulled up to show that Ms. Mills' name was on it at 4:30, I thought was somewhat ridiculous and low-handed.

But notwithstanding that, it's still not clear to me why it was to your advantage to forget this call because not one witness has claimed you made any threats at that meeting. One of the contractors, Bob Haas, I believe I'm pronouncing his name correctly, Mr. Waxman, said that Ms. Callahan told him after you hung up the phone that there would be a, "jail cell with his name on it," if he told his wife. Another contractor, Sandra Golas, and I hope I'm pronouncing Ms. Golas' name correctly, testified that she remembered the word, "jail" being used in the meeting but could not remember who said it. Two other contractors who were present Mr. Salim and Mr. Spriggs do not remember the jail threat or any other threats being made, but no one suggests that you made any threats at that meeting, Mr. Lindsay. If anyone doubts what I'm saying, and we doubt each other in this committee often, all they need to do is go back and look at the March 23rd transcripts.

Now one of the contractors, Ms. Betty Lambuth, did accuse you of threatening her in a separate conversation, Mr. Lindsay. She told us that she had a meeting with you and I believe a Paulette—

Mr. LINDSAY. Cichon.

Mr. FORD [continuing]. Cichon—you knew I was going to have trouble there—another OA official which you, Mr. Lindsay, told her that if she or any of her team, "who knew about the e-mail problem told anyone else about it we would lose our jobs, be arrested and put in jail." There's a fundamental problem apparently with Ms. Lambuth's testimony.

It's been flatly contradicted by the other person present at that meeting, Ms. Cichon. She signed a written statement on March 29th in which she said that "at no time did I perceive Mark, Mr. Lindsay, threatening Betty or myself. At no time was a threat of jail mentioned or any other threat. If any threat were made I would have certainly remembered it and would have taken the appropriate action and response. I did not take part in any other meetings or conversations in which Mark or anyone else made any threats."

That statement was introduced into the record by Mr. Waxman at the March 30 hearing and Ms. Cichon has since confirmed her statement in person during interviews with committee staff. This is not the only time apparently that Ms. Lambuth has been directly contradicted by other witnesses. I wish Ms. Lambuth was here. During the hearing Ms. Lambuth also claimed that Mr. Haas examined the, "missing e-mails" and told her that they contained information relating to Filegate, concerning the Monica Lewinsky scandal, the sale of Clinton Commerce Department trade mission seats in exchange for campaign contributions, and Vice President Al Gore's involvement in campaign fundraising controversies. Bob

Haas told the committee that Ms. Lambuth's allegations were, or her allegation, excuse me, was completely inaccurate. He said he had no knowledge of any e-mails relating to Filegate, the sale of Clinton Commerce Department trade mission seats in exchange for anything or campaign contributions or Vice President Al Gore's involvement in campaign fundraising controversies. And he said that he never told Ms. Lambuth otherwise.

But unfortunately the facts don't dissuade my committee members, particularly those on the other side. We have no credible evidence that you threatened anyone, yet the chairman and other members keep repeating that you made jail threats and these threats keep getting repeated in the newspapers. Unfortunately you're not alone in receiving this unfair treatment from this committee. Unfortunately your seatmate can speak to the same type of treatments.

I introduce to the record as I prepare to yield back to my chairman, Mr. Waxman, GOP's distrust of Clinton drives Congress' agenda. You mentioned so eloquently, Ms. Mills, the issue that we should be addressing here in this Congress. You even reminded this chairman and perhaps suggested to him and members on the other side that U.S. attorneys who sit on that side, former U.S. Attorneys, that perhaps we ought to investigate the way young African American men are being treated in New York and Los Angeles and around this Nation. If we could find a way to link it to something that's happening at the White House I think we'd probably have better success in getting this committee to do that.

But I would only repeat the comments of a Republican Senator, a dedicated war veteran in Senator Chuck Hagel, who is no real friend of those of us liberals on this side, as we are sometimes labeled, and those of us who are hiding, obstruction of justice and those who are perjurers, but Senator Chuck Hagel criticized his fellow Republicans for allowing their deep seeded suspicions of President Clinton to derail their own political agenda. Mistrust is the common thread. It is my hope that in the midst of all of this, Chairman Barr, Chairman Burton and others on the other side, that we will remember that government's about something bigger and better than us, that we are dispensable to this whole system, sir.

We, as Ms. Mills so eloquently said, have good days and bad days, but I hope we would not take our bad days out on those who disagree with us and who have visions and perspectives and biases and prejudices that may be different than ours. Mr. Waxman is going to be upset with me for taking all his time, Ms. Mills, but I want to say one more time you were absolutely wonderful this morning and I only wish that more of my colleagues could have been here to hear you, and only hope that those of us that are here will take the message back to our colleagues who did not get an opportunity to hear your outstanding comments this morning.

Mr. Lindsay, I didn't hear yours. I trust yours were great the other day.

Mr. BURTON [presiding]. The gentleman's time has expired. I'm going to yield my time to Congressman Shays.

Mr. SHAYS. I thank the chairman. I'm sorry, I thought it was my time. I apologize.

Mr. BURTON. I'm going to, in the event you need more time, Mr. Shays.

Mr. SHAYS. I just want to give you, Mr. Ruff and Ms. Mills and Mr. Lindsay, a different perspective and it comes from my heart as it comes from yours, Ms. Mills. I participated in the Hart hearings a few years ago and the Pierce scandal, and I didn't know that it was my role then to defend the administration. I was a new Member so I went after just trying to find the truth, and so you had Republicans and Democrats just trying to find the truth, not defending the witnesses, just trying to find the truth. I've learned, I guess, that's not the way it happens, and when Debra Gordene came to that hearing and she declared—took advantage of her fifth amendment rights all the Democrats in the committee were outraged that she would want to hide something, and I was outraged, and so I thought when Members would come before this committee that we would see that same outrage on the other side of the aisle, and we've now had 79 House and Senate witnesses asserting their fifth amendment.

Now they can do that and it may mean they don't have anything to cover up, but in my nonlegal way I begin to think there's something behind that.

And when I read your statement, Ms. Mills, before you even delivered it, I became so incensed by the focus on you and not about getting at this issue that I've written out a statement, and I've written out the statement so I don't say more than I need to say.

So, Ms. Mills, you're not the only one disillusioned by this process. I have been pushed from disappointment to anger to outrage by the pervasive ethical and moral minimalism of this White House. Among the important issues you omitted from your list is respect for law and the affirmative obligation of sworn officers of the court to disclose material facts to properly constituted authorities. As much as you might not like it, this committee is such a properly constituted authority. While undoubtedly deeply felt, your statement conveyed to me a profound lack of respect for this constitutional process, and I'll say unlike the profound respect that I thought you showed to the Senate. It's not enough for those in the White House you defend to say no evidence has been found that anyone intentionally sought to hide the e-mail system problems. That's far too low a bar to set for yourselves, to convince yourselves prematurely the problem was minimal, to hide behind the expense and difficulty of the reconstruction project, to delay any disclosure of a problem until forced by negative publicity. All bespeak an ethical opportunism that allows by omission, if not by commission, the obstruction of justice. For evil to prevail, it is enough for good people to do nothing. I don't get the sense much was done by the good people in the White House to confront the potential evil flowing from the e-mail mess.

Now, I also remember some people at the White House. I remember Billy Dale and John Drellinger, John McSweeney, Barney Brasseux, Gary Wright, Robert Van Eimeren and Ralph Maughan. I remember them. They were in the White House and they got fired, and then to defend their being fired the FBI and the IRS had to take a good look at them.

And I was looking at an old article, and this may have been said in jest, Mr. Ruff, I know it was said in jest, but it has an eerie feeling of strength to it. You were interviewed by Bob Woodward when you, as the fourth and final prosecutor to Whitewater, acknowledging initially it had gone on too long—Watergate, excuse me, Watergate. This was an article written June 19, 1977, in your admitted youth, and you were asked to kind of describe where you fit in in all these committees that had done investigation. You thought you would show up better than the Warren commissioner and some of the other commissioners that had looked, and then I'll read what Mr. Woodward says. He says Ruff says there's nothing he has done to protect himself from a more hostile view of the work of his office. If called to testify some day at such an inquiry; in other words, defending your committee's work, Ruff says he knows just what he'll do, quote, I'd say, gee, I just don't remember what happened back then and they won't be able to indict me for perjury and that maybe that's the principal thing I've learned in 4 years, I just intend to rely on that failure of memory.

I know you said it in jest, but the words you used to respond to questions, I don't recall, I don't remember, I understood this is an issue and so on and don't remember if I was at a meeting. The meeting, Mr. Lindsay, on June 19th, how many people were at that meeting when you spoke to Mr. Ruff?

Mr. LINDSAY. I don't recall, sir.

Mr. SHAYS. You don't recall if there's one, two, three, four or five?

Mr. LINDSAY. I remember that I talked with Mr. Ruff. I don't remember if there was anyone else at that meeting.

Mr. SHAYS. Do you remember where you met?

Mr. LINDSAY. I'm fairly certain it was in Mr. Ruff's office.

Mr. SHAYS. You remember it was Mr. Ruff's office, you don't remember if anybody else was in the office.

My time has expired. I'll come back.

Mr. BURTON. Gentleman's time has expired. Who's on your side? Mr. Kanjorski.

Mr. KANJORSKI. Welcome once again to a committee of the Congress. I suspect that you will have spent more time at committee hearings of the Congress than most of the Members of Congress after your respected service is done.

Ms. Mills, I've had the opportunity to look over your statement, and unfortunately I wasn't here when you delivered it because I would have imagined it would have been most heart rendering to hear your statements. I have had the occasion of watching your service for 7 years in the White House, and I want to tell you that there are Members of this Congress that appreciate what you've dedicated to this country and to this President and that you have done it honorably, and the fact that this Congress has been so frustrated with a dynamic Presidency that they did not expect or did not think was warranted in the election of 1992, that a good many years have been spent with the sole intent of creating an aura around this President that he was not worthy of the job and was not serving America. You know I got to thinking about it as we went tediously through questions yesterday, and some of my colleagues on the other side, particularly the younger Members, may not recall prior administrations, but in reality they have succeeded

in creating a new definition for political life in America, and that is accusations, charges, unsubstantiated and unproven, eventually will become labeled as scandals, and we so often hear the media now say another scandal when in fact it's another unsubstantiated charge.

And the purpose of this hearing some 7, 6 months before a new Presidential election is because the majority of this Congress have no other issues, and their hope against all odds is that the American people will be foolish enough to believe that charges alone represent substance and/or scandals in themselves when in fact we know better as members of the bar.

The fact that you were called out of private service to come up here and go over your memories and people on this committee respond with the idea that, oh, you should have an absolute perfect memory, both yourself and Mr. Ruff, of every occurrence that happened in the throes of probably the second most historical act against the Presidency, the last impeachment, is beyond me. I have to think that you were all working 18 hours a day, 7 days a week and were totally focused and committed to the immediate issue of the trial and that you didn't necessarily partake in checking out every factor or every bit of information.

It is only too bad that because sometimes of the lack of technical expertise of the American people and the appreciation of what the new computer age is all about that this hearing would even be here, the suggestion that oh, my heavens, there where e-mails that were lost, isn't that a shocking surprise in a perfect world, when we know that the instrumentality of the computer is not perfect.

So, you know, as I listen to this testimony developed over these 2 days, I'm becoming frustrated with the Congress myself. I can't believe that we do not have more important issues as the only oversight committee of the House of Representatives. We have spent almost our full time for these many years in doing nothing but attempting to denigrate the reputation of those people that serve in the executive branch of this government and the President himself and have added nothing from this committee's work that I've seen over the last number of years of a positive nature.

What have we done to solve some of the problems like over-expenditures, fraud, misuse and abuse and Medicare? What have we done to analyze the social security problems for the future of the American people, which is all under the jurisdiction of this committee, to oversight, what's happening and anticipate what new legislation is necessary to solve real problems of real people in their real lives. Instead for pure partisan political purposes, there are people on this committee and in this town that have now become to believe that partisanship is a religion and it has to be practiced to the fullest extent and in the purest nature, and they forget that those of you that have tremendously talented lives that have come to serve in this administration and perhaps lead the way for other extraordinary people to serve future Presidencies have to stop and think of whether they really want to do that to themselves, their lives or their families or their personal fortunes.

I'm so much aware through all of the Whitewater hearings how many people spent more than their net worth just to be rep-

resented by counsel so that they could have said that they served a President of the United States.

Mr. BURTON. The gentleman's time has expired. We are going to recess to the fall of the gavel. We have two votes on the House floor, and then when we come back Mr. Barr will be the first questioner.

[Recess.]

Mr. BURTON. The committee will reconvene. Mr. Barr, you are recognized for 5 minutes.

Mr. BARR. Thank you, Mr. Chairman. I hate to interfere with that love fest that was going on earlier, but somehow I don't think that will come as a surprise. The fact of the matter is that at least two of these witnesses and a third party, I don't see the other Mr. Lindsey here, he was here earlier, have in fact been found to have engaged in criminal violations of Federal law by a Federal judge. That is a matter of record, and the other side may not like it and may be irrelevant to them, but in an order issued just recently, I think the end of May this year, Judge Royce Lambeth found that Mr. Ruff, the other Mr. Lindsey and Ms. Mills in March 1998 engaged in discussions and advised the President to release the Kathleen Willey letters in violation, clear, knowing violation of the Privacy Act.

So for people to wander around in this Alice in Wonderland funk and say that nobody has done anything wrong here and how dare anybody impugn anybody's reputation, I'm not citing Robert Kennedy, I'm not citing Mr. Waxman, I'm not citing Mr. Burton, I'm not citing myself, I'm citing Judge Royce Lambeth. So let's get real. There are some serious problems here. This is the sort of conduct that concerns us.

Now, with regard to the issue immediately before us, which relates to hundreds of thousands of e-mails subject to lawful subpoena by at least two committees of this House of Representatives, the Judiciary Committee conducting an inquiry of impeachment, which again some people may find irrelevant, funny, inconsequential. I know you all don't because y'all participated in it and have very high regard I presume for the process through which we went. It is very serious. The information contained in the hundreds of thousands of e-mails that have not yet been searched were also subject in large part, in large measure to subpoenas issued by the Office of Independent Counsel, again an office that y'all may not like, y'all may not like the individual who headed that office, Judge Kenneth Starr, but the fact of the matter is that there were lawful subpoenas that were issued that related to the subject matter of these hundreds of thousands of e-mails that y'all knew had not been searched and had not been reviewed in order to ensure a full, complete and timely compliance with subpoenas lawfully issued and which were not subject to any defense for noncompliance.

Mr. Lindsay, you testified when you appeared before this committee a number of weeks ago that pursuant to a search of some of the computers conducted by Mr. Robert Haas that a significant number of e-mails, about 1,000 I think you testified to, were in fact retrieved from this universe of e-mails out there that you all knew were not subject to retrieval, had not been reviewed, had not been retrieved, and you testified that in July 1998 you took that rel-

atively small batch of e-mails, about 1,000 that he had printed out pursuant to his search of the computers themselves, the hard disks I believe, over to the White House counsel's office. Do you recall that testimony?

Mr. LINDSAY. The characterization as to the general population of the e-mails, of that e-mail sampling that you're referring to was taken from, I did not make any comment as to the general population. I do not know now and I did not know then—

Mr. BARR. That's fine. I'm not quibbling over how many. I know that anything you say is like pulling teeth to get you all to say anything, I realize that, and we'll just sort of take judicial notice of that. These are the e-mails here. This is about I'd say, what would you say, counsel, about 1,000?

Mr. WILSON. It's certainly at least that.

Mr. BARR. And counsel, these are a copy of the e-mails retrieved by Robert Haas pursuant to and as he testified in mid-1998 to determine the scope of the problem that was being faced; is that correct?

Mr. WILSON. Correct, the White House produced these 2 days ago to us.

Mr. BARR. OK. Is this the material, and I know you can see them so obviously I'm not going to ask you to testify as to what's in them, but is this approximately the size of the materials, the number of pieces of paper you took over, as you testified earlier under oath, to the White House counsel's office in July 1998?

Mr. LINDSAY. I did not count them when I brought them over.

Mr. BARR. I know you didn't count them. I'm not asking you to count them. I said approximately. That's why I used that term. You're not going to be held to a specific number.

Mr. LINDSAY. Some number that approximates that.

Mr. BARR. OK. And at that point your memory utterly failed you, according to your testimony last time, you have no recollection at all of who you gave these some—and there is approximately 1,000 documents in here, I'm not asking you to verify that. Reflecting back and looking at this fairly significant amount of documents, does that jog your memory, your recollection? Do you recall at this time who you gave those documents to in the White House counsel's office in July 1998?

Mr. LINDSAY. No, I do not, sir.

Mr. BARR. Did you receive them, Mr. Ruff?

Mr. RUFF. I don't believe so. I have no recollection of receiving them, Mr. Barr.

Mr. BARR. Did you receive them, Ms. Mills?

Ms. MILLS. I did receive a batch of e-mails that were—that represented the search that had been conducted. I did not receive them from an individual other than my assistant, but at that point what we did was forward them to another associate counsel to review them to determine whether or not they were in fact duplicative or whether or not they were not and had not been captured in a prior search.

Mr. BARR. Are you satisfied in your mind—

Mr. BURTON. Mr. Shays has time. I think he's going to yield to you and I'm going to yield to Mr. Shays.

Mr. SHAYS. I am happy to yield to the gentleman.

Mr. BARR. Are you satisfied in your mind that we are all talking about the same documents here?

Ms. MILLS. As I haven't seen those documents, I don't know what's in those documents. I'm not in a position to be able to answer you correctly or honestly as to those documents.

Mr. BARR. You're always in a position to answer me honestly I would hope.

Ms. MILLS. Not honestly with respect to whether or not they're the same documents that I got. I don't know.

Mr. BARR. And I'm not asking about these specific documents. What I'm simply asking is about the documents to which we're referring, in other words, a batch of documents, e-mails, hard copies of e-mails printed out that were transmitted personally by Mr. Lindsay to the White House counsel's office, as he's testified to in prior appearance before this committee in July 1998.

Ms. MILLS. OK. I was not aware that he personally provided the materials, but I know that the e-mails came to our office.

Mr. BARR. OK. And who conducted the review of those e-mails?

Ms. MILLS. Shelly Peterson, who's an associate counsel in our office.

Mr. BARR. And what conclusions did—is that Mr. or Ms.?

Ms. MILLS. It's a Ms.

Mr. BARR [continuing]. Did Ms. Peterson arrive at concerning those e-mails and whether or not they were subject to any of the subpoenas that had been served on the White House?

Ms. MILLS. Ms. Peterson, to my understanding, reviewed the documents to determine whether or not they were duplicative with respect to documents we had produced or whether or not there were in fact new documents that were there that had not been produced.

Mr. BARR. And?

Ms. MILLS. She concluded that the materials were duplicative of materials that had been previously been produced.

Mr. BARR. In other words, they were identical in every regard, every single respect to documents that had already been furnished to the folks who had—whatever entity had issued the subpoenas?

Ms. MILLS. Without addressing the characterization of your question, it was my understanding that these e-mails were duplicative and had in fact been produced.

Mr. BARR. And therefore who made the determination not to send those documents to the authorities that had subpoenaed them?

Ms. MILLS. Well, the authorities that had subpoenaed them had them.

Mr. BARR. Did you ask them if they had them? You made the determination that they did or Ms. Peterson did?

Ms. MILLS. Well, when we do a document production we then keep a copy for ourselves of what we sent to the individual that's requesting.

Mr. BARR. Let me make you all aware of a problem that we ran into yesterday, which is one reason why we're trying to ask very specifically about duplicative records, for example. We had print copies of e-mails and I think you all may have them, for example exhibit 81, which is an e-mail that had a blank in it, and it appeared as if there was some information missing from it. Now Mr.

Heissner, the author of that particular e-mail, testified to, and I'm not saying whether it's accurate or not, he testified that the e-mail that was presented to us, which is exhibit No. 81, was identical with another e-mail that might be found if we went back and searched the backup records for the ARMS system, although it might appear differently because the way he printed it out didn't pick up some of the graphics in it. It might have listed things a little bit differently, the spacing might have been different, so forth. In other words, you can take two documents that have the same information on them, but it might be formatted a little bit differently.

As a trained attorney you would recognize certainly the way information is formatted might have a bearing on the accuracy of the information, how it's interpreted, would you not?

Ms. MILLS. Well, I think that what you're asking is when you asked as to or question whether or not they're identical or not, I obviously did not conduct the review but it is my understanding Ms. Peterson went through the materials and made the determination that these were duplicative of materials that had been produced.

Mr. BARR. What would be the legal theory under which you would not or the ethical theory or the practical theory under which you would not just go ahead and send them in overabundance of caution just to make sure that there was no problem, that you would have this batch of documents and say, well, these are subject to subpoena, it may very well be that some of these or maybe all of these in one form or another have been transmitted but they are subject to a lawful subpoena and then we're just going to go ahead and send them? Wouldn't that be the more prudent, more ethical course of conduct?

Ms. MILLS. Well, one thing we are obviously cognizant of is how much paper and materials everybody is getting. So to the extent that—

Mr. BARR. Y'all are looking out for the taxpayers.

Ms. MILLS. No. Actually I wasn't going to say that but obviously that's something to be thoughtful about as well. So I appreciate you making that observation as well. But to the extent that there are materials that we've already sent individuals, it's probably challenging to send them more to think that potentially they're getting something that they don't already have, and so in this instance because Ms. Peterson was able to determine that these materials were duplicative there was no reason to send them another copy of materials that they had.

Mr. BARR. Who reviewed or approved her decision?

Ms. MILLS. Well, we have no reason—I mean I don't know how to answer that question. I mean, Ms. Peterson has the skills and the ability as a trained attorney.

Mr. BARR. The answer would be nobody.

Ms. MILLS. Well, she certainly conducted her research and went through and did it in a fashion that would be consistent with what we understand to be or—

Mr. BARR. I know Mr. Waxman is getting antsy over there. We'll save the questions for additional time.

Mr. BURTON. That is fine. Mr. Waxman, I would like to remind you that when you had 30 minutes I let you guys run over almost 4 minutes, but we'll give you your 5 minutes now.

Mr. WAXMAN. Your generosity overwhelms me. We've had Mr. Barr with two 5-minute segments, and the rules of the House entitle me to have my 5 minutes and I want to have my 5 minutes now. I'd like the clock started over again.

Mr. BURTON. You're getting your 5 minutes, Mr. Waxman.

Mr. WAXMAN. Mr. Lindsay, I'd like to revisit some of your testimony about your understanding of the MAIL2 problem.

Mr. LINDSAY. Yes, sir.

Mr. WAXMAN. I think you were pretty clear when you testified about this previously, but there seems to be some misunderstanding about it. You said that you were informed about the MAIL2 problem in June 1998 and after you were informed about it, you promptly informed the White House counsel's office. You then assisted in a search for e-mails relating to Monica Lewinsky and that you had this to say about the search, "I believed the non-ARMS managed e-mails were searched. I now understand though that I did not understand it then that the backup tapes containing the e-mails may never have been searched."

Later you heard back from the White House counsel's office that the Lewinsky search had produced only duplicates of e-mails already turned over, and this led you to think, again your words, it probably isn't that big of a problem because this information has already been produced, end quote. So you concluded that there may not be a legal problem in terms of whether or not documents were produced, but I still had a problem, and that was I still had a technical staff that reported to me that there was a glitch. Even if that test came back in a positive way, I may have not had a production problem but I had a technical problem because my e-mail system and my ARMS system and how they worked together, that was the issue I needed to resolve. That was again your statement.

I think your testimony's pretty clear on this point. You were concerned about the problem initially. You notified the White House counsel's office, and when they informed you that the problem had not affected document productions, your concerns were put to rest. The concern that you did have was that for reasons relating to the Presidential and Federal Records Act you still needed to reconstruct and archive the missing e-mails, but this was not a high priority and since you knew that you would have time to do that for archival purposes later.

Is that an accurate statement, Mr. Lindsay?

Mr. LINDSAY. Yes, it is, sir. It's important to know also that we are in the process of conducting reconstruction for years of e-mails from the Reagan administration, the Bush administration, from the early Clinton administration. So the process of reconstruction is one that—was one that took many years and people in the committees and whatever were familiar with the fact we were conducting those activities.

Mr. WAXMAN. Mr. Lindsay, yesterday the chairman accused the White House of trying to delay the reconstruction of the MAIL2 e-mails until after the election in November. He said that the White

House was trying to, quote, run out the clock. Is that accusation accurate?

Mr. LINDSAY. It is absolutely not correct, sir.

Mr. WAXMAN. What has the White House done to ensure that the e-mails are reconstructed and produced as soon as and as efficiently as possible?

Mr. LINDSAY. When I met specifically and gave direction to my staff, my instruction to them was that they were to conduct the reconstruction as quickly as possible in accordance with the request by this committee and by other bodies to have this work done as quickly as possible. I told them to conduct that and to essentially give me a schedule for production or reviewing these materials and making sure that they were reconstructed on a 24-hour, 7-day a week schedule if necessary to make sure that it was done as quickly as is humanly possible.

Mr. WAXMAN. And when do you anticipate making these e-mails available to our committee?

Mr. LINDSAY. It is going to be completed on a rolling basis, but I believe in the June timeframe will be the first time we'll be able to produce some information from the reconstruction process.

Mr. WAXMAN. So rather than delaying production, you're going to turn over documents as you produce them?

Mr. LINDSAY. Absolutely, and as a matter of fact many of the contractors that we tried to get to do this work protested by the fact that what we were doing was such an ambitious and such a speedy schedule that they declined to participate and to even bid for the contract.

Mr. WAXMAN. Just so we have this very clear, my understanding is that the reconstruction project is scheduled to be completed by Thanksgiving. That does not mean, however, that the reconstructed e-mails will not be produced until Thanksgiving. Document production will begin long before then. All that it means is that the final stages of the e-mail project which involve putting the reconstructed e-mails into ARMS for archival purposes will be completed then. The actual reconstruction of the e-mails, the placing of those e-mails into a searchable data base and the production of e-mails to our committee will begin well before that date and well before the election.

Is that an accurate statement?

Mr. LINDSAY. That is true, sir.

Mr. WAXMAN. I just think that ought to be clear to everybody so we don't keep on hearing these accusations.

One more point, I understand that decisions about what materials will be produced first will be made by the White House counsel's office in consultation with our committee and other investigative committees; is that correct?

Mr. LINDSAY. I believe so, sir.

Mr. WAXMAN. Thank you.

Mr. BURTON. The gentleman's time has expired. We were told initially that probably the e-mail problem, in compliance with our subpoenas, would be handled by September, and yesterday we were informed that it would be the Monday before Thanksgiving, which is after the election. The White House counsel's office I'm sure will be the one that will be charged with the responsibility of giving us

e-mails as they are produced, and the reason I made the statements I did yesterday was because of the track record of the White House counsel's office in complying with subpoenas and working with this committee to get the facts out to the American people. So I don't believe I misspoke yesterday.

I'll believe we're getting the e-mails in an orderly fashion when I start to see them rolling off the presses, coming through the counsel's office and given to us. Up to now we have not seen that kind of cooperation from the White House counsel's office going back to Mr. Ruff, and I will now yield to Mr. Barr. Excuse me, Mr. Barr. Did you want the time, Mr. Barr?

Mr. BARR. Thank you, Mr. Chairman. One of the—this is just one subpoena that I know you are all familiar with. It's dated September 15th or September 1, 1999. It is a subpoena duces tecum from this committee addressed to the Executive Office of the President, Cheryl D. Mills, and it simply has an attachment that subpoena is returnable 2 weeks later, September 15, 1999. It has attached to it schedule A, which is two pages of very standard language, and that's really what I wanted to ask you all about, and then a third page of schedule A which has to do with the specific subject matter of the subpoena, in this case, the Puerto Rican terrorists.

If y'all would glance at the first two pages, please, of schedule A, which is the definitions and instructions, and if y'all could let me know if that has been y'all's view of standard language which accompanies subpoenas duces tecum in order to identify in very, very broad terms the types of information that are covered by the subpoena.

Mr. Ruff.

[The information referred to follows:]

Subpena Duces Tecum


**By Authority of the House of Representatives of the
Congress of the United States of America**

To Executive Office of the President SERVE: Cheryl Mills
The White House; Washington, D.C. 20500
 You are hereby comanded to produce the things identified on the attached schedule before the

Full Committee on Government Reform
 of the House of Representatives of the United States, of which the Hon. Dan Burton
is chairman, by producing such things in Room 2157 of the
Rayburn House Office Building, in the city of Washington, on
September 17, 1999, at the hour of 5:00 P.M.

To Kim Reed at the U.S. Marshals'
 to serve and make return.

Witness my hand and the seal of the House of Representatives
 of the United States, at the city of Washington, this
1st day of September, 1999.


 Chairman.

Attest:

Jeff Trandahl
by Stasimos P. Vans Clerk.
Rest to the Clerk

Subpena for Executive Office of the President

SERVE: Cheryl Mills

The White House

Washington, D.C., 20500

before the Committee on the Government Reform

.....

Served

.....

.....
 House of Representatives

SCHEDULE A

Subpoena Duces Tecum
Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Executive Office of the President
Serve: Cheryl Mills
The White House
Washington, D.C. 20500

Pursuant to its authority under Rules X and XI of the House of Representatives, the Committee on Government Reform hereby subpoenas certain records. Please provide logs which indicate each record's Bates number, author, description, and source file. If you have any questions, please contact Senior Investigative Counsel Marc Chretien at (202) 225-5074.

Definitions and Instructions

- (1) For the purposes of this subpoena, the word "record" or "records" shall include, but shall not be limited to, any and all originals and identical copies of any item whether written, typed, printed, recorded, redacted or unredacted, transcribed, punched, taped, filmed, graphically portrayed, video or audio taped, however produced or reproduced, and includes, but is not limited to, any writing, reproduction, transcription, photograph, or video or audio recording, produced or stored in any fashion, including any and all activity reports, agendas, analyses, announcements, appointment books, briefing materials, bulletins, cables, calendars, card files, computer disks, cover sheets or routing cover sheets, drawings, computer entries, computer printouts, computer tapes, external and internal correspondence, diagrams, diaries, documents, electronic mail (e-mail), facsimiles, journal entries, letters, manuals, memoranda, messages, minutes, notes, notices, opinions, statements or charts of organization, plans, press releases, recordings, reports, Rolodexes, statements of procedure and policy, studies, summaries, talking points, tapes, telephone bills, telephone logs, telephone message slips, records or evidence of incoming and outgoing telephone calls, telegrams, telexes, transcripts, or any other machine readable material of any sort whether prepared by current or former employees, agents, consultants or by any non-employee without limitation. "Record" or "records" shall also include all other records,

documents, data and information of a like and similar nature not listed above.

- (2) For purposes of this subpoena, the terms "refer" or "relate" and "concerning" as to any given subject means anything that constitutes, contains, embodies, identifies, mentions, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.
- (3) This subpoena calls for the production of records, documents and compilations of data and information that are currently in your possession, care, custody or control, including, but not limited to, all records which you have in your physical possession as well as any records to which you have access, any records which were formerly in your possession, or which you have put in storage or anyone has put in storage on your behalf. Unless a time period is specifically identified, the request includes all documents to the present.
- (4) The conjunctions "or" and "and" are to be read interchangeably in the manner that gives this subpoena the broadest reading.
- (5) No records, documents, data or information called for by this subpoena shall be destroyed, modified, redacted, removed or otherwise made inaccessible to the Committee.
- (6) If you have knowledge that any subpoenaed record, document, data or information has been destroyed, discarded or lost, identify the subpoenaed records, documents data or information and provide an explanation of the destruction, discarding, loss, deposit or disposal.
- (7) When invoking a privilege as to any responsive record, document, data or information as a ground for withholding such record, document, data or information, list each record, document, compilation of data or information by data, type, addressee, author (and if different, the preparer and signatory), general subject matter, and indicated or known circulation. Also, indicate the privilege asserted with respect to each record, document, compilation of data or information in sufficient detail to ascertain the validity of the claim of privilege.
- (8) This subpoena is continuing in nature. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date shall be provided immediately upon location or discovery subsequent thereto.

Subpoenaed Items

Please produce to the Committee the following records:

1. All records relating to any munitions or explosive devices actually expended within one mile of the Branch Davidian compound in Waco, Texas.
2. All records relating to the use of "military style" tear gas canisters, including M-651 rounds, at the siege at the Branch Davidian compound in Waco, Texas.
3. All records relating to any military involvement, whether advisory or operational, at the siege at the Branch Davidian compound in Waco, Texas.
4. All records relating to any contacts between the White House and the Department of Justice, Department of Defense or the FBI concerning the siege at the Branch Davidian compound in Waco, Texas.

Mr. RUFF. Let me just note initially that September 15th is about a month and a half after my departure from the White House, but without having had the opportunity to either read it carefully or to compare it with other subpoenas from this committee, it appears on its face to be comparable to similar documents that the White House received during my tenure.

Mr. BARR. Thank you. Ms. Mills.

Ms. MILLS. I agree.

Mr. BARR. The language, and I might ask counsel, Mr. Wilson, is the language contained in the first two pages of schedule A what is referred to in the legal profession as boilerplate language?

Mr. WILSON. Yes, it is.

Mr. BARR. OK. In other words, this is standard language that would be included in subpoenas duces tecum in order to ensure to the greatest extent possible that the recipient of the subpoena has to comply and look for all copies, all versions of various documents or records? In other words, this language is intended to reach as broadly, not as narrowly, as possible?

Mr. WILSON. That's correct.

Mr. BARR. Would it also be counsel's understanding of the law and the practice of the Congress certainly in issuing subpoenas duces tecum that when a subpoena duces tecum such as this one before us, and I would ask unanimous consent to include this in the record—

Mr. BURTON. Without objection.

Mr. BARR. Are such subpoenas duces tecums and the language contained in schedule A, which is standard boilerplate language, are they intended to reach all different copies of something that might contain the subject matter, the substantive subject matter, relate to the substantive subject matter of the subpoena itself?

Mr. WILSON. Yes, the language is intended to reach different copies.

Mr. BARR. And in this case, for example, it's my understanding, and if you would confirm this, please, Mr. Wilson, that this subpoena issued in September 1999 would have covered—was intended to cover what we now know to be e-mails that were not furnished to the committee because they were among those many thousands that were not captured in the ARMS system?

Mr. WILSON. Yes, it was. If I could explain one thing very quickly, though, there have been times when the White House has come in and explained to us that there are certain categories of documents that they will not produce, for example, newspaper clippings, and sometimes we've made agreements. They're generally reduced to writing and it's known in advance. So that's a very important thing to understand, that sometimes there are things committed to paper in advance of the production of documents.

Mr. BURTON. The gentleman's time has expired. Mr. Kanjorski.

Mr. KANJORSKI. I have no questions.

Mr. BURTON. Mr. Kanjorski passes. Mr. Ford.

Mr. FORD. I took up all of Mr. Waxman's time. I will be happy to yield to him. I don't have any further questions.

Mr. BURTON. The gentleman passes. We'll now go to Mr. Shays.

Mr. SHAYS. I'm happy to yield to my time to allow the gentleman to finish.

Mr. BARR. Thank you. If I could engage counsel a little bit further, given his familiarity with the procedures of this committee and his knowledge as counsel generally with regard to subpoenas issued by a committee of the Congress to the executive branch, would it satisfy the committee—would it satisfy you as counsel for the committee that some documents but not all documents were searched in order to ensure compliance with this lawful subpoena issued by this committee?

Mr. WILSON. Absolutely not.

Mr. BARR. And why is that?

Mr. WILSON. Well, there is the expectation, unless there is something communicated to us to the contrary, that all available sources of documents are searched, and something I might point out, to this day the White House has not communicated to us that they have not done that. The e-mail problem that we're talking about today, they have yet to communicate to us that they have not searched in the backup tapes for material responsive to the various subpoenas issued by the committee.

Mr. BARR. Mr. Chairman, just a few moments ago in questioning of the witness I showed this very large, and I know that in dealing with this administration that one always has to qualify and I know these things are all relative, but this very large batch of e-mails, and I have just leafed through them since we've not had time to go through them in detail, and I assume the independent counsel's office will be going through them in some detail, but contained in here are e-mail after e-mail after e-mail concerning or from or to Monica Lewinsky clearly which would have been covered by various subpoenas that had been issued. We also have the subpoena duces tecum that I've introduced into the record here which is one of many issued by the committee in this case regarding another very important matter before a duly constituted committee of the Congress and that is the pardons granted by the President to Puerto Rican terrorists.

And in one case, the case of the Lewinsky materials which were subject to subpoena by the independent counsel and the Judiciary Committee in its impeachment inquiry, we know that there are, at least on simply one particular day that these records were searched by Mr. Haas, approximately 1,000 documents that were never furnished to the impeachment committee or apparently to the independent counsel. And as I say, I think that from what I read in the newspapers is certainly something that is of concern to the independent counsel; that is to say, nothing about all of the other days that were not searched and all of the other individuals whose names were not queried of the computer. This is just, I believe, one or two names, actually Raines and Monica Lewinsky.

And in the case of the Puerto Rican terrorist question, we don't know at this point how many documents were not searched, and therefore, we're not even at the point where we have somebody saying somebody else at the White House did look at these and please trust us, they said they were all exactly identical.

So I think there are a lot of very, very important unanswered questions here, and as I said yesterday at the hearing, I appreciate very much, Mr. Chairman, your going into these matters, and

hopefully at some point in the not too distant future we will have better answers than we've received so far.

Mr. BURTON. Thank you, Mr. Barr. Mr. Shays, do you wish to have the rest of your time or do you want to yield it back right now?

Mr. SHAYS. I'd like more time, so I'll start now.

Mr. BURTON. Go ahead.

Mr. SHAYS. Thank you.

Getting back, Mr. Lindsay, you learned about the letter 2 problem—Mail2 problem in June. And you thought this was a serious problem or you didn't think it was a serious problem?

Mr. LINDSAY. When I was first told about the problem, I did not know the breadth or scope of the issue. My instruction to my staff was to investigate and conduct a review to try and identify the breadth and scope of the problem.

Mr. SHAYS. You waited to meet with Mr. Ruff until you knew that, the depth of the problem.

Mr. LINDSAY. I waited—I conveyed the information to Mr. Ruff when I had some information. At the time I talked to Mr. Ruff, I did not have a complete picture. And frankly, as we move forward, it's a fairly technically complicated issue, we discovered new little bits of information as we move forward. But, generally, the sum and substance of the information that was contained in the memorandum of June 18th or 19th fairly accurately states the state of knowledge that we had at that time.

Mr. SHAYS. And so you were aware that—

Mr. BURTON. I'm going to yield the gentleman my time for this round—oh, it's Mr. Barr's time. You want to yield to Mr. Shays?

Mr. BARR. I can hardly not do that. I yield my time to the gentleman from Connecticut.

Mr. SHAYS. So you knew there was a potential problem with certain e-mails that may not have been captured. You just didn't know how many.

Mr. LINDSAY. Sir, I want to place that into context. I had potential problems with computer systems and with e-mail issues frequently. We had an antiquated system that we are working very diligently to make improvements on, and I took them all seriously.

Mr. SHAYS. That you had a serious problem with not being able to retrieve e-mails, I'm just asking if you were aware of that. And, you know, I'm going to say right out, Mr. Lindsay, I don't think in my mind that these were done intentionally. What I want to know is, once the problem was discovered, what was done about it and who was notified. So I'm not going to get into whether you had an old system or new system, a bad system, a good system, but you were aware that some e-mails were not being captured, isn't that correct? I mean, do we have to play games on this?

Mr. LINDSAY. It's not a game, sir. It's very, very important to understand that it isn't a simple question of whether or not e-mails were being captured one way or the other. The information that was reported to me was that information of what people believed to be the case at that time.

Mr. SHAYS. That what?

Mr. LINDSAY. That e-mails weren't being captured.

Mr. SHAYS. Good. So we've arrived at the point, that e-mails weren't being captured, right?

Mr. LINDSAY. Yes, sir.

Mr. SHAYS. What's the significance of that?

Mr. LINDSAY. The significance of it, from a technical point of view, is that there was an operation of the system that probably wasn't working the way that it should.

Mr. SHAYS. How about from a legal point of view, given that the White House was required to capture e-mails and identify ones that fit the request of this committee and Mr. Starr's work and the committee on impeachment, the Judiciary Committee.

Mr. LINDSAY. It would be an inappropriate legal conclusion to come to on my part or anyone's part that information—because the information was not captured or may not have been captured—

Mr. SHAYS. I didn't ask for a conclusion.

Mr. LINDSAY [continuing]. That it wasn't produced.

Mr. SHAYS. I didn't ask for a conclusion. What I was asking was—is whether there was the potential that information wasn't being captured that was important to fulfill a legal requirement.

Mr. LINDSAY. I presume that that potential was there. Potentially. Hypothetically.

Mr. SHAYS. So—and I hope so. Because you're in charge of the Office of Administration, and I think that you were requested to provide relevant documents to various parties, through Mr. Ruff's office and others, correct?

Mr. LINDSAY. That is correct, sir. But there are other ways of providing the information. Keep in mind that this information very well could be—they're duplicates that are kept in three locations.

Mr. SHAYS. I do hear you. But a little radar, something went off and said we may have a problem here. And it's—we may have not identified all our e-mails, we may not have identified all our e-mails, we may or may not, correct?

Mr. LINDSAY. I did not come to that conclusion. My issue was to convey to the counsel's office the fact that this glitch had occurred and that it had the potential, hypothetically, for causing an interference in terms of people's understanding of what they could get from the ARMS system. That does not mean and I did not make a representation about any other source.

Mr. SHAYS. You answered the question. There are people that needed things from the ARMS system, and you are now aware that you've got a problem, and you thought it was enough of a problem to talk to Mr. Ruff. Why did you think you needed to speak to Mr. Ruff?

The good thing is you remember meeting with Mr. Ruff. You think you met with him in the office. You just don't know who was at the meeting.

But now I want to ask you what you told him. I first want to know why you went to see, and I want to know what you told him.

Mr. LINDSAY. I was directed by my boss's boss to talk to Mr. Ruff. That's why I talked to Mr. Ruff.

Mr. SHAYS. And your boss's boss? Who's your boss?

Mr. LINDSAY. Ada Poze.

Mr. SHAYS. And your boss's boss?

Mr. LINDSAY. Virginia Apuzzo.

Mr. SHAYS. Now why did they want you to tell Mr. Ruff?

Mr. LINDSAY. Because it was a technical issue and they wanted the information to be conveyed quickly and to take the time to explain all the details of it through them.

Mr. SHAYS. And Mr. Ruff's in charge of how to operate the computers, he's the technical guy on how to operate the computers, that's why you did?

Mr. LINDSAY. No, sir.

Mr. SHAYS. You had a technical problem. You needed his help to fix it.

Mr. LINDSAY. No, sir.

Mr. SHAYS. Obviously not. So why did you tell him?

Mr. LINDSAY. I was directed by the Assistant to the President for Management and Administration to do so.

Mr. SHAYS. You don't know why he directed you to.

Mr. LINDSAY. It's a her, and I believe it was because this issue affected the ARMS system and there was a potential—because of the potential of the impact that it could have on searches.

Mr. SHAYS. So we are—it's taken me about 5 minutes to have you acknowledge that there was a problem with the potential to do searches. Correct? That's what you said now. Finally, we got to point that you could have just said right off, but we're playing this little game to get to a point.

I have a red light. I'll just wait.

Mr. BURTON. The gentleman's time has expired, and I appreciate the patience of the gentleman from Connecticut.

Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

I want to extend greetings to Mr. Ruff and Ms. Mills. It's been some time since I've had an opportunity to visit with you. And I listened to your testimony, Mr. Ruff, and I haven't been here all today, and I haven't looked at all the materials, but I have not seen anything that would indicate any evidence of intentional conduct on your part or Ms. Mills' part that would indicate a desire to cover up or failure to comply with subpoenas.

And I just wanted to lay that out. I'm not making those allegations. You're an officer of the court, and I think that any time we look at your obligation to comply with subpoenas we ought to be careful before we jump to conclusions on it.

But I am concerned from a number of standpoints. I think there's some legitimate points of inquiry. Again, as officers of the court, subpoenas and the production of documents is a very important part of our legal system; and, without any question, certain servers were not reviewed for compliance with the subpoenas; and so, even to this day, we do not know whether all the relevant documents have been produced. Is that a true statement, Mr. Ruff?

Mr. RUFF. I don't have firsthand knowledge, obviously, Congressman, but that's my understanding from reading the record.

Mr. HUTCHINSON. Correct. And you're not there day to day now.

Mr. RUFF. No, I view that as a blessing.

Mr. HUTCHINSON. Which is, I'm sure, to your relief. But we don't have them today. I think that determining the reasons for it and what we need to do to correct it is very relevant to our judicial process today and there's certainly some ongoing investigation.

Second, I think it is very relevant to determine what the causes were for it and whether there was due diligence in complying with it. And I hear—again, it certainly didn't indicate anything that would indicate intentional conduct, but I did sense a little bit that would give me some concern about a matter of diligence and perhaps a more of a cavalier attitude toward getting the information. I know there was a lot going on in life at that particular point, but that is a concern. You know there were investigations going on that wanted this information. It was not being retrieved. And this exhibit 1, which is the memo from Virginia Apuzzo which you received, is that correct?

Mr. RUFF. That's correct, Congressman.

Mr. HUTCHINSON. That in reading it would certainly point up to me a problem.

Mr. RUFF. Indeed.

Mr. HUTCHINSON. And then you assigned it to different people who ultimately wound up with a technical person to do some testing, and we don't know who that is.

Mr. RUFF. I do not know who conducted the test, no, Congressman.

Mr. HUTCHINSON. And at any point did you believe that this is information that should be provided to the requesting authority such as the Congress, the independent counsel or the Department of Justice?

Mr. RUFF. My state of mind is, in essence, as I've previously described it, was that I recognized that there might indeed be a problem, as has been expressed; that it was important to find out whether this problem indeed had affected anything we had done or not done previously; that when the report came back to me on the test that had been run, I concluded—I understood that that suggested that there was no such adverse effect on what we had done previously.

Obviously, my understanding was incorrect in the sense that I now recognize that there is a body of material out there about which I do not have any details that had not, in fact, been searched or had not, in fact, been retrieved. But my view at the time was very clear in my memory that indeed when the report came back to me on the materials that had been searched and the duplicative nature of what had been produced I believed that the problem had not affected us. And that may well have an erroneous conclusion, but it was my conclusion.

Mr. HUTCHINSON. How would you have failed if in your defense of the President you had requested certain documents from the Congress or from other body and then you had come to find out that they were never produced?

Mr. RUFF. Obviously, I would not have been happy about that.

And I think the point you make is an absolutely solid and important one. This committee has every obligation to inquire into the circumstances surrounding those events in order to determine, first, whether indeed there was any impropriety—and I am firmly of the belief that there was none; second, to determine whether there's a systemic problem that needs to be corrected; and, third, whether the White House is responding appropriately to the com-

mittee's concerns. I view all of those as entirely legitimate inquiries, and we're doing our best to try to respond to them.

And presumably I would have reacted the same way if I asked any adversary or any third party for a set of documents. I would want to know why they weren't produced. That's an entirely appropriate inquiry for you to make.

Mr. HUTCHINSON. With your very succinct statement as to the legitimate purpose of this inquiry I'm going to yield back the time. I know you have all been here a long time. Thank you.

Mr. BURTON. We have a vote on the floor. We'll stand in recess at the fall of the gavel.

[Recess.]

Mr. BURTON. I want to apologize to our witnesses for the interruption, but that's the way the legislative process works. So we'll now yield to—who's next on there? Mr. Shays? It's my time. OK. I will yield to Mr. Shays.

Mr. SHAYS. Thank you.

Mr. Lindsay, I have five slots, and I'm not trying to trick you, and I know you're trying to be precise, but it really took us a long time to get to this point. That you met with Mr. Ruff to tell him about the problems, a technical problem that prevented you to capture certain e-mails. And you knew this was a potential problem for Mr. Ruff because he needed—there were issues—there were certain e-mails you needed to capture and there were potentials there.

Mr. LINDSAY. Yes, sir.

Mr. SHAYS. So when you went to Mr. Ruff you believe you met with him in his office, but you don't know if anyone else was there. And that's correct.

Mr. LINDSAY. That's what I testified to this time. That's what I testified to on the 23rd also.

Mr. SHAYS. And that's correct.

Mr. LINDSAY. That is correct, sir.

Mr. SHAYS. And you're telling us that your boss's boss told you to disclose this information to Mr. Ruff.

Mr. LINDSAY. That is correct, sir.

Mr. SHAYS. And you were saying it was a technical problem, but you didn't go to Mr. Ruff because he had any technical expertise with resolving the problem. He needed to know what?

Mr. LINDSAY. Excuse me, sir?

Mr. SHAYS. He needed to know what? You weren't there to have him fix the computers. It was a technical problem in the computers that prevented certain e-mails from being captured and so you didn't go to him to help you with the technical problem.

Mr. LINDSAY. That is correct, sir.

Mr. SHAYS. You went to disclose information. What was the information you went to disclose?

Mr. LINDSAY. The impact of the technical problem on something that Mr. Ruff had an interest in.

Mr. SHAYS. OK. And what are those things that he had an interest in?

Mr. LINDSAY. ARMS searches.

Mr. SHAYS. OK. And, Mr. Ruff, if you would tell me, what was the impact of this? I mean, in other words, you're being told that certain information isn't being captured, that you had thought you

had—we had captured all the e-mails, all the correspondence, all the relevant information is being forwarded on to the relevant parties, and your word is golden in this committee and in Congress. So did you not begin to wonder if you had to come back? Let me say this. What was your reaction?

Mr. RUFF. I think my reaction is as I've described it, Congressman, which is that my first concern was to determine whether whatever problem it was that existed—and you're quite correct in not attributing to me any technological knowledge or understanding—whatever problem existed, did it or did it not have an impact on searches we had already conducted.

The most immediate point of concern, because it was the nearest in time and in June 1998 the most sort of prominent, I think, in all our minds in the counsel's office, was whether it had affected our search for Lewinsky-related material. Thereafter—and as I've indicated I can't trace for you the process that got from my concern to the framing of a search request that went back to the Office of Administration. But it was my belief that such a search was being conducted to determine whether indeed we had made the proper search and the proper production or whether there was a problem we needed to address.

Mr. SHAYS. Did you give out certain fairly strong requests for—to ascertain the extent of the problem? I mean, did you—did you recognize that this could be a challenge that needed to be dealt with quickly?

Mr. RUFF. Indeed. And that was the purpose for conducting the search that was being conducted, to determine whether—immediately and as rapidly as possible to determine whether or not something had happened that would require us to take corrective action.

Mr. SHAYS. Did you impress upon Mr. Lindsay that this was an important issue?

Mr. RUFF. I don't think there was any need to impress on Mr. Lindsay that. I think both of us understood that the very fact that a memo had gone from Ms. Apuzzo to the deputy chief of staff and that Mr. Lindsay was meeting with me on it meant it was an important problem.

Mr. SHAYS. So you agree, Mr. Lindsay, it was an important problem?

Mr. LINDSAY. Yes.

Mr. SHAYS. OK. And the problem was from your side you had a technical problem which meant certain e-mails weren't being captured. The problem from Mr. Ruff's side was he had information he needed to get to various parties. You made reference to one, Judiciary Committee, I'm assuming, or Mr. Starr.

Mr. RUFF. Mr. Starr.

Mr. SHAYS. Mr. Starr as it related to a particular individual. So this would be, I would think, a memorable meeting, true.

Mr. RUFF. The fact of the meeting is memorable, but witness my already stated failure of recollection with regard to the specifics of the conversation. I fear not memorable in terms of exactly what it is that Mr. Lindsay told me and what I said to him.

Mr. SHAYS. I would love more time or who is next.

Mr. BURTON. Or who was there.

Mr. RUFF. Let me just address that momentarily. Because I said in my interview with the committee that I thought Ms. Mills was there but couldn't vouch for it. It's been suggested that because my time planner, my calendar, had Ms. Mills' name on it that she must have been there. Let me just make it clear, if it's not already, that that is a preplanning calendar and not a reflection of what actually happened. So that as I think back on it and looking at that calendar, candidly, and I initially assumed that she was there, however, I take it absolute face value her recollection that she was not, and my assumption at the moment as we go forward is that it was Mr. Lindsay and I.

Mr. BURTON. Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

To Mr. Ruff, Ms. Mills and Mr. Lindsay, thank you for being with us today. I can only echo the comments that have been made on this side, particularly by my colleague, Mr. Ford, with regard to your service to this great country.

I might take just a note—make a note, Ms. Mills, that as a father of a 17-year-old young lady, first-year student at Howard university, my daughter was very moved by your presentation when you represented the President of the United States; and it left a mark on the DNA of every cell of her body to be the very best that she could be. I want to thank you for all that you are.

And I also want to thank you for your opening statement, which is probably, if you heard us on this side you would hear almost your same words, not as eloquent, but your same words. Because I've sat now on this committee for 4 years and so many of the problems that trouble our young people, so many of the problems that trouble this Nation are never addressed here. Never addressed. We don't spend 1 second addressing them while we spend all this time and money addressing things like we're addressing today. But be that as it may, I thank you.

Mr. Lindsay, let me just ask you a few questions. Even after 3 days of hearings it seems there's still some confusion about the nature of the e-mail problem we're discussing. I would like for you to help me clarify this.

Mr. LINDSAY. Yes, sir.

Mr. CUMMINGS. Did the problem with the Mail2 server affect all e-mails in the White House?

Mr. LINDSAY. No, it did not, sir.

Mr. CUMMINGS. As I understand the problem, it resulted in incoming e-mails to certain White House employees not being properly archived. This does not mean that those e-mails were not produced, however. There are other ways those affected e-mails may have been made into ARMS, made into ARMS. For example, anytime a person responded to an e-mail with history, that entire response containing the original incoming message would have been automatically sent into ARMS, is that correct?

Mr. LINDSAY. That is correct, sir.

Mr. CUMMINGS. Furthermore, if an incoming e-mail was sent or cc'd to any nonaffected user in the EOP or if it was forwarded by the recipient, then it would also be in ARMS, is that correct?

Mr. LINDSAY. That is correct, sir.

Mr. CUMMINGS. We've established that the problem was limited to incoming e-mails to certain White House users, and some of those same e-mails could have been archived into ARMS anyway.

Mr. LINDSAY. That is exactly correct, sir.

Mr. CUMMINGS. In addition, many e-mails that did not get properly archived may still have been produced, and that's a very important point. We've been told by Mr. Ruff and Ms. Nolan that any time the White House receives a subpoena or document request a search is conducted of ARMS. In addition, however, all relevant individuals are asked to search their own computer records, so any e-mails that were saved would have been produced regardless of whether or not they were archived in ARMS, isn't that correct?

Mr. LINDSAY. That is exactly correct, sir.

Mr. CUMMINGS. Now, there's been a lot of loose talk about the hundreds of thousands of missing e-mails. Representative Barr made statements to that effect today in this very hearing. Do any of you have any idea how many e-mails may have been missing from ARMS?

Mr. LINDSAY. I do not, sir.

Mr. CUMMINGS. Ms. Mills.

Ms. MILLS. I do not.

Mr. CUMMINGS. Mr. Ruff.

Mr. RUFF. No, sir.

Mr. CUMMINGS. Is there any way of knowing how many e-mails were not produced?

Mr. LINDSAY. Not to my knowledge, sir. You would have to complete the reconstruction process to actually get an assessment as to what that number is.

Mr. CUMMINGS. Do any of you have any knowledge about the content of those missing e-mails?

Mr. LINDSAY. No, I do not, sir.

Ms. MILLS. I do not, sir.

Mr. RUFF. I do not, Mr. Congressman.

Mr. CUMMINGS. Is there any way of knowing the content of the missing e-mails?

Mr. LINDSAY. Short of reconstruction or actual examination of those e-mails after reconstruction, no, there is not.

Mr. CUMMINGS. So any speculation about the number or the content of the missing e-mails is just that, speculation; is that correct?

Mr. LINDSAY. Yes, sir.

Mr. CUMMINGS. Now, Mr. Lindsay, I would like to—like you to help me out with the document that has been cited several times during our hearings. It is exhibit 62. It is a document dated—are you familiar? It is a document dated June 18, 1998 and is apparently the results of a survey conducted by Northrop Grumman contractor Bob Haas who looked at the White House e-mail network to determine how many e-mails were archived in ARMS. Are you familiar with this document?

Mr. LINDSAY. Generally familiar, sir.

Mr. FORD. What exhibit number is that?

Mr. CUMMINGS. That's exhibit No. 62.

Now Mr. Haas apparently came up with 246,000 e-mails that had not been archived in ARMS. Some people have suggested that this means that those 246,000 e-mails were missing or they were

not produced. That's just plain wrong. Mr. Haas was looking at e-mails that were still on the White House's computer network. Those e-mails may not have been in ARMS, but they have been saved by the recipient. This means that every 1 of those 246,000 e-mails should have been searched and, if responsive, produced when people were told to search their own files in response to the document request. Is that correct, Mr. Lindsay?

Mr. LINDSAY. That is exactly my understanding, sir.

Mr. CUMMINGS. I see we've run out of time. Thank you very much.

Mr. BURTON. Thank you Mr. Cummings.

Mr. SHAYS, I think you're next.

Mr. SHAYS. Thank you.

Let's talk about that document No. 62 a little bit more.

Mr. LINDSAY. Yes, sir.

Mr. SHAYS. This was a document provided by Northrop Grumman. And I want to know if you were given this document. It's prepared, I believe, by Bob Haas of Northrop Grumman.

Mr. LINDSAY. It is before me now, sir.

Mr. SHAYS. Pardon me?

Mr. LINDSAY. It is before me right now.

Mr. SHAYS. Had you ever seen the document before?

Mr. LINDSAY. Before these proceedings, no, sir. Before I testified on the 23rd, no, sir.

Mr. SHAYS. Do you know who this document was given to?

Mr. LINDSAY. No, I do not, sir.

Mr. SHAYS. Did you know that that document existed?

Mr. LINDSAY. Prior to my testifying before this group, no, sir.

Mr. SHAYS. Kind of takes my breath away.

In this document, Northrop Grumman was your contractor.

Mr. LINDSAY. Had a contract with the Office of Administration to provide common computer support and therefore provided support for our facilities contract.

Mr. SHAYS. What were you?

Mr. LINDSAY. At that time, I was the general counsel. They work for the Office of Administration.

Mr. SHAYS. So they prepared this document for you don't know who.

Mr. LINDSAY. No, I do not, sir.

Mr. SHAYS. But you were supposed to assess the problem.

Now this document was prepared on I believe it is June 18th. And this document which you have lists various names, from Philip Caplan to Bruce Lindsey to Betty Currie—these are e-mails we didn't capture—Erskine Bowles, John Podesta—who was then the deputy chief—Ira Magaziner—and Ira Magaziner was almost 4,000—well, 3,600 more precisely. Charles Ruff even had five in here.

But this is just a snapshot of 1 day. Now, admittedly, it's a snapshot of 1 day. We don't know how far back it would capture. It's 246,000 potential e-mails. And then it doesn't capture all the e-mails that were lost from June until November until the system was fixed.

So it kind of blows my mind that you who work in the office have never seen this document before and these are the people that

work for you. So it was really kept under wraps by somebody. And that's why I begin to suspect—I'm sorry.

Mr. LINDSAY. I don't believe anything was kept under wraps. There are many, many documents—I mean, right now, as assistant for the President of Management and Administration there are over 2,400 people who report to me in one way or the other. All those people may have documents.

Mr. SHAYS. This is relevant information. You're supposed to report the problem, and this is the problem, and you're not able to report the problem. How convenient.

Mr. LINDSAY. I can—

Mr. SHAYS. Mr. Ruff can say he never saw it. Mr. Ruff, did you ever see this document?

Mr. RUFF. No, I did not.

Mr. SHAYS. OK. I'm assuming, Ms. Mills, you never saw it either.

Ms. MILLS. No, I do not.

Mr. LINDSAY. I cannot speak, sir, as to why they did not present that document to them.

Mr. SHAYS. These are reasons why we need to find out. Because you're willing to make an assumption that there was no cover-up, and I'm willing to make an assumption there was. And so we both are making assumptions. And then we're going to try to find the truth. But my assumption is no different than your assumption. The problem is, this is relevant information that you didn't get, you should have gotten, and you, Mr. Ruff, should have known it because it says there are 246,000.

Mr. LINDSAY. It's not an assumption on my part, sir, that there's no cover-up. I know that I didn't cover anything up. I'm testifying about what I know.

Mr. SHAYS. That's an assumption that you didn't. But you said more than that, you said nobody tried to cover-up.

Mr. LINDSAY. I don't believe anyone did.

Mr. SHAYS. That's your belief. You don't know it. The only thing you can speak on is about what you say.

Mr. LINDSAY. That's correct.

Mr. SHAYS. You can tell me you think, and I can be critical of your thinking that way, just as you can be critical of mine being suspicious of the fact that we didn't learn about this problem until the press told us, just like we didn't know about the videotapes until the press told us. Then you gave us the videotapes, and now we have this document.

So, Ms. Mills, I'm sorry we're having this hearing, but we're learning things that are important. Somehow there was the big disconnect, and this big disconnect meant that relevant information may not have been presented to the proper authorities.

And I voted against impeachment, as I told you earlier. Wouldn't it be interesting to know if there was things in here that would have affected my vote differently. But we didn't have the information. Because I still buy your argument impeachable offenses weren't proven and the proven offenses weren't impeachable, but they may not have been proven because information was withheld.

I want to be clear now, given that you didn't have relevant information, what you were really able to tell Mr. Ruff. This is relevant information that you didn't tell him because you didn't know about

it. So you didn't try to cover up. But what did you tell him then without this relevant information?

Mr. LINDSAY. As I testified earlier and as I testified on March 23rd, the information that I provided Mr. Ruff is roughly the information that was provided in the June 18th memorandum from Ms. Apuzzo. That is the sum and substance of what I understand we conveyed.

Mr. SHAYS. Who do you think can help us find out who had this in the White House?

Mr. LINDSAY. I don't know, sir.

Mr. SHAYS. Well, try to stretch your mind a bit. Who would most likely have it? Wouldn't it have been most likely that you should have it or who most likely should have had it?

Mr. LINDSAY. I don't know if I should have had it at all, sir. My understanding to this day right now is that that document is misleading in that it gives one the impression that it describes the entire population of e-mails that were or were not captured.

Mr. SHAYS. No. No, you're wrong about that. See, it is the total amount potentially minus the e-mails found in individual PCs, minus the e-mails found attached to sent e-mails with history, minus the e-mails found in printed filings, minus the e-mails retrieved from back-up tapes. Then that leaves a certain number that we haven't found. We don't know what that number is. And then of that number there may be some not relevant. But, in there, there may be subpoenaed information not produced. And you and I have this one big challenge. I don't fault you or anyone else that the breakdown happened. I fault you for not telling the relevant information.

Which gets me to you, Mr. Ruff. If you take responsibility what does that mean, you take responsibility?

Mr. RUFF. It means that, ultimately, it was my judgment or misjudgment and my misunderstanding of the circumstances that led me to conclude—and for that I blame no one other than my own failure of understanding, that led me to conclude that indeed the problem did not have an adverse affect on our prior productions. In that sense, I take responsibility for not pursuing further the inquiry that I thought had been adequately pursued by the search that had been conducted.

Mr. SHAYS. You were aware, though, that the problem wasn't yet fixed either, correct?

Mr. RUFF. No. That's part of my understanding at the end of the search that had been conducted, was that indeed whatever glitch there was, whatever the technological problem was, did not affect our prior production and collection of information. And in that sense, candidly, I put it aside and went on to other pressing matters.

Mr. SHAYS. And did you at any time learn that this problem—and they referred to it—what did they refer to this project as, Mail2 problem, Mr. Lindsay?

Mr. LINDSAY. Who referred to what?

Mr. SHAYS. Didn't they call it project X?

Mr. LINDSAY. I never called it project X.

Mr. SHAYS. Did you ever hear it referred to as project X?

Mr. LINDSAY. I heard about it here when I heard the testimony of some of the Northrop Grumman employees.

Mr. SHAYS. Right. OK. So your testimony before the committee, Mr. Ruff, is that you take full responsibility and based on what you knew you didn't think there was any reason to tell the committee. What do you think now?

Mr. RUFF. Obviously, that if I had understood at the time what the scope of the problem was, that indeed the test that had been conducted did not give sufficient assurance that the problem had not affected earlier searches, I would have done something about it.

Mr. SHAYS. If you were on this committee and you had found this information, wouldn't you be pretty unhappy and concerned about what the White House had done?

Mr. RUFF. Well, I have no doubt about the capacity of the committee to be concerned about what the White House has done, Congressman. I don't mean to be flip, but I do think, as I said to Congressman Hutchinson, that there are legitimate areas of inquiry, and one of those legitimate areas is to determine through appropriate means whether anything untoward occurred. I may disagree with you and others about what the scope of that inquiry ought to be and how it ought to be conducted, but I don't question the core issue of whether it ought to be of concern to you.

Mr. SHAYS. But, see, what I want to know is, who had this document and why wasn't Mr. Lindsay and others told? And why weren't you told?

Mr. RUFF. On that score I can't help you, Congressman.

Mr. SHAYS. So it just makes me suspicious.

I yield back.

Mr. BARR [presiding]. Does the gentleman yield back?

OK. Who seeks recognition? Mr. Waxman.

Mr. WAXMAN. For a 10-minute round.

Mr. BARR. Mr. Waxman is recognized for 10 minutes.

Mr. WAXMAN. As we near the end of our 4th day of hearings, I want to summarize some of the most important facts that we've learned.

We have learned that no one in the White House had any role in developing the message retrieval system; that no one in the White House asked that any e-mail messages be excluded from the system; and that before June 1998, no senior officials in the White House even knew that some e-mail messages were being excluded from the retrieval system.

We have learned that the Northrop Grumman employees involved in this issue have conflicting recollections of whether any threats were made to them. One employee, Robert Hass, believed they had been threatened with jail by Laura Callahan, a White House employee. Mr. Haas told us that in a meeting with Mrs. Callahan and his four coworkers, he flippantly asked what would happen if he discussed the computer glitch with others, particularly his wife. He remembers Mrs. Callahan warning him that, "there would be a jail cell with his name on it."

Sandra Golas initially testified that, while she remembered the word "jail" being used in the meeting, she couldn't remember who

said it. But she later said she did feel threatened and thought jail was a real possibility.

Yiman Salim and John Spriggs, both of whom were in that meeting and both of whom seemed credible, have no memory of jail ever being discussed. Miss Salim testified that she never felt threatened, and both said they believed Mrs. Callahan acted reasonably given the circumstances.

Betty Lambuth did agree with Mr. Haas' recollection and added that at a second meeting she had with Mr. Lindsay and Paulette Cichon another threat by Mr. Lindsay was made.

But we know now that Ms. Cichon had signed a statement saying that the threat never happened. In fact, Ms. Cichon's statement says, "at no time during this meeting did I perceive Mark threatening Betty or myself. At no time was a threat of jail mentioned or any other threat. If any threat were made, I would certainly have remembered it and would have taken the appropriate action in response."

I want to point out that Miss Cichon was a political appointee and has spent almost all of her career in the private sector and no longer works at the White House.

We also learned that none of the Northrop Grumman employees and no one in the White House had any knowledge of the content of the missing e-mails. They all testified that they didn't have any knowledge of it.

One witness said she thought she knew what was in it because she heard from Mr. Hass, but Mr. Haas said he didn't inform her what was in it because he didn't know what was in it. So the evidence is that none of them really knew what was in these e-mails.

Yesterday, we learned from Mr. Heissner and Mr. Lyle that they knew of no efforts to conceal this information from Congress or the independent counsel; and we learned that, despite yesterday's press reports, there was no inappropriate action regarding Sidney Blumenthal's e-mail account.

Now let's put it all in context.

At this point, we've heard from Mr. Heissner, who is a career civil servant and has served in the administrations of Presidents Ford, Carter, Reagan, Bush and Clinton—by the way, Mr. Ruff, have you ever met Mr. Heissner?

Mr. RUFF. Not to my knowledge, Congressman.

Mr. WAXMAN. Mr. Lyle, the director of the Office of Administration, became involved in this issue in April 1999, almost 10 months after the White House counsel's office focused on the issue.

Betty Callahan and—excuse me, I have been calling her Betty Callahan, but I understand it's Laura Callahan. It's a mistake. It's not a criminal action. It's a mistake. Laura Callahan, who was accused of making the initial threat, is a registered Republican and a career civil servant. So she's the one that supposedly made the threat.

Paulette Cichon, as I noted before, also was not a political appointee and has spent most of her working life in the private sector.

And today we have Mr. Lindsay, Mr. Ruff and Ms. Mills, all of whom have impressive backgrounds in records of public service.

So if there is a scandal and a deliberate attempt to conceal information, obstruct justice and thwart investigations, these are all the people that would be involved. They would be the participants in this cover-up. Not only have they all credibly denied being involved in any wrongdoing, none of them have any knowledge of others making an attempt to conceal the e-mails.

Now, Mr. Ruff and Ms. Mills, when this problem arose did you have any knowledge of the content of the incoming missing e-mails?

Ms. MILLS. I did not.

Mr. RUFF. No, Mr. Congressman.

Mr. WAXMAN. So if the theory of wrongdoing is correct, you would have had to participate in a cover-up without even knowing what you were trying to cover up. And Mr. Ruff and Ms. Mills would have had to be doing this with the help of Mr. Heissner and others, who at least Mr. Ruff said he's never met.

Ms. Mills, have you ever met Mr. Heissner?

Ms. MILLS. I have met Mr. Heissner.

Mr. WAXMAN. You have met Mr. Heissner. OK. So I can't say this cover-up involved a man you never met. Mr. Ruff never met him. You met him. Did you participate in a cover-up with him?

Ms. MILLS. No.

Mr. WAXMAN. And now to cover up the cover-up, all the witnesses who have testified in the 4 days of hearings would have been lying to us and all of them would have been lying to us under oath, if you want to believe all the suspicions that some of my colleagues say they have.

I think a more plausible explanation is that Mr. Ruff and others in the White House counsel's office simply did a bad job in responding to the system defect that resulted in missing e-mails. It's embarrassing to have to face that fact. But mistakes do happen.

The one area that I agree with Mr. Barr is that responding to subpoenas is a serious obligation. Every effort should be made to produce documents. In this case, for whatever the reason, I don't think enough attention was given to understanding the problem and making sure subpoenas were fully complied with.

I understand that the people in the counsel's office thought you had complied with the subpoenas. You acted in good faith, believing that the missing e-mails were in fact turned over; and it may still turn out to be true that that's the case. But because of that belief, I don't think that enough was done to quite find out whether everything was being fully complied with. I regret it. I'm sure that Mr. Ruff, Ms. Mills and others who worked in the counsel's office regret that as well. But if that is the explanation, and I think it's a logical explanation, this is an unfortunate mistake. It is not criminal conduct, and it doesn't amount to a scandal.

And I must say, when we get all these e-mails, I will be astonished if we're going to learn something we didn't know about Monica Lewinsky. I would just be astonished that maybe any of us who voted against the impeachment would think that we should have voted for impeachment because of something on a missing e-mail, especially when you realize that the e-mails that are missing are missing because they were sent from the outside into the Office

of the President and all the expanded offices that are involved in the office of the executive branch.

I would hope that and expect that we're going to see what is in there. But like so many other examples we have in this committee, before we get documents, all these suggestions are made, allegations are asserted, accusations are laid on the table that there's a scandal. And then when we get the documents it turns out that the documents and information never substantiated the allegations, then we quickly go onto another allegation.

Mr. Kanjorski, I understand you wanted me to yield to you. I do have less than a minute, but I will yield to you.

Mr. KANJORSKI. I just want to point out that it's unfortunate, highlights the culture of the committee and the circumstances of the last 7 years.

I heard my colleague from Connecticut examining the three witnesses, and he readily recognized he makes an assumption that there's a cover-up. The problem is, that's a shift of the burden of proof. It means if there is no cover-up you have to prove a negative. That's extremely difficult, if not impossible, as we know, in the law. But that's the new burden that this committee would place on the executive branch of government.

I think I would like to associate myself in entirety with Mr. Waxman's summarization. I think it's very clear. There was a mistake made. It is as much technical as perhaps failure to follow through appropriately. But perhaps that's because the people that should have followed through appropriately didn't understand the technical complications involved. Clearly, this is not a scandal. This is a mistake. It's not criminality. It's an overburdened White House with investigations that have gone on and on and on and continue to go on.

Mr. BARR. The gentleman's time has expired.

Mr. WAXMAN. This is the 4th day of the hearing and who knows how many more we'll have. I yield back the balance of my time.

Mr. BARR. The gentlelady is recognized for 5 minutes.

Mrs. CHENOWETH-HAGE. Thank you, Mr. Chairman.

Mr. Ruff, I would like to discuss some of the assurances that you and your successors have given to this committee about the completeness of document production. It's a serious matter. And we have heard it in opening statements by one of the witnesses how really trivial are the matters that this committee engage in. And I would think any officer of the court, any lawyer who found that vast numbers of items that were sought after under subpoena had been either mistakenly or purposefully withheld, most attorneys would be pretty upset.

So, Mr. Ruff, would you please turn to exhibit No. 140. This is a letter—this is your letter to this committee on campaign fundraising.

[Exhibit 140 follows:]

THE WHITE HOUSE
WASHINGTON

June 27, 1997

BY HAND

The Honorable Dan Burton
Chairman
House Government Reform and Oversight Committee
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

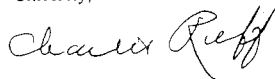
Dear Mr. Chairman:

As we discussed yesterday, this letter serves to certify that, to the best of my knowledge, the White House has produced all documents responsive to the Committee's subpoenas, with the exception of those documents that appear on the privilege logs that we have provided to the Committee.

We have made every effort to collect and produce, on the schedule reflected in my letter of May 20, 1997, all documents that are responsive to the Committee's subpoenas. Further, however, in order to ensure to the maximum extent possible that no responsive documents have been overlooked, I have directed my staff to continue their efforts to see to it that all areas that may contain such documents have been searched and that all responsive documents have been produced. As a result of that continuing process, we have located some additional documents, which we are producing today under separate cover, and we will, of course, produce promptly any others that are found.

I appreciate your and the Committee's courtesy as we have worked through this process.

Sincerely,



Charles F.C. Ruff
Counsel to the President

cc: The Honorable Henry A. Waxman



THE WHITE HOUSE
WASHINGTON

September 11, 1997

BY HAND

The Honorable Dan Burton
Chairman
Government Reform and Oversight Committee
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

As promised, I want to respond in detail to your September 2, 1997 letter regarding our recent production of documents to the Committee. I appreciate your inquiry and want to address your questions fully and explain the efforts this Office has undertaken to respond to the Committee's requests for information.

Since receiving the Committee's initial subpoenas, we have attempted in good faith to search all records that may contain responsive documents. To this end, I sent out a directive to all relevant White House personnel to search their records thoroughly for responsive materials. My June 27, 1997, certification was the culmination of our efforts to provide all materials responsive to the Committee's first seven subpoenas within a three-week period. As of that date, we had produced all responsive materials that we had been able to locate.

Although the production completed in June represented the result of an intensive, good-faith search for all materials responsive to the Committee's subpoenas, as I informed you at the time, I wanted to be doubly sure that all responsive documents had been located and directed my staff to take certain additional steps to that end. As a result, my staff has revisited various offices, including the Office of Records Management, to search for responsive documents, and we have instructed White House staff promptly to inform this Office if they discover any responsive documents that had been overlooked. I also directed my staff to inform me immediately of any such occurrences and to produce any newly located documents as soon as possible.

The Honorable Dan Burton
September 11, 1997
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The August Production

The following is a description of the circumstances surrounding the production of the materials about which you inquired:

1. Documents Relating to Fundraising Events

The bulk of our supplemental production during August consisted of briefing memos concerning fundraising events, as well as annotated schedules from the Presidential Diarist. Briefing memos are typically prepared for official and political events that are attended by the principals. By June, we had produced all responsive briefing memos provided in response to our directive, but to ensure that our production was complete, my staff reviewed again the briefing books for dates on which we knew that fundraising events had occurred but for which no briefing memos had been collected. When briefing memos were located, they were promptly produced.

As to the annotated schedules, by June 27 we had provided the Committee with all of the responsive schedules we had received from the Diarist in response to my directive. As part of our ongoing compliance effort, my staff conducted an additional review of the schedules to determine whether any others contained responsive annotations. All schedules located through this process were likewise promptly produced.

2. Electronic Messages

The search for e-mail messages has been the most difficult element of the production process. This Office's directives instructed White House personnel to search their files and computers for any responsive e-mail messages, and as we gathered these materials, we produced them to the Committee. As we explained to your staff this spring, however, messages not saved on an individual's computer or messages created during the earlier years of the Administration are stored in a central archive, and a computer search of that archive is extremely time-consuming and costly. For example, it can take two to three days to perform a search of a month of archived e-mail messages of the White House Office alone, not including the other agencies of the Executive Office of the President. After a search is complete, even more time is required to print the e-mails and then manually search them for responsiveness.

Accordingly, faced with similar document requests from several investigating entities, we have attempted to coordinate our e-mail searches so that they could be performed only once, encompassing as many document requests as possible. We directed the White House Information Systems and Technology Division to combine several different requests and search the archived e-mails using general terms. We have been receiving hard copies of the e-mails that

The Honorable Dan Burton
September 11, 1997
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were located as a result of this search and will continue to review and produce any additional responsive materials on an ongoing basis.

3. Phone Logs

As you note in your letter, we have produced responsive phone message slips of the First Lady's Office, including Margaret Williams and other personnel. These and other phone messages were located in the Office of Records Management, which contains approximately 140 boxes of phone logs of various White House personnel. Like the archived e-mails, a search of these materials is labor intensive and time-consuming. For example, it takes an individual approximately four to six hours to review a single box of phone logs.

When my staff met with Committee staff last May, they described these archived phone logs and indicated that they would, realistically, be unable to complete this search before the June 13 production deadline. Your staff indicated that they appreciated this situation. Since then, my staff has searched the phone logs of individuals identified as likely to contain responsive materials. I have attached a list of the boxes held in Office of Records Management that contain phone logs. A check mark beside an individual's box indicates that this box has been searched. If your staff believes that there remains on that list an individual whose phone logs should be searched, please have them contact us, and we will, of course, conduct that search.

4. Documents Relating To The Vice President

The "call sheets" relating to the Vice President to which you refer are DNC documents that only recently have come into the possession of the White House and, we understand, have not otherwise been provided to the Committee. We produced them promptly upon receiving them and will continue the practice of producing similar documents received from third parties as part of our ongoing commitment to cooperate with the Committee's inquiry.

5. Documents Relating To Mack McLarty And Yah Lin Trie

Your letter next refers to our production of materials related to Mack McLarty and Yah Lin Trie. With respect to the McLarty-related materials, some were inadvertently omitted from our initial production. When we realized that they had not been produced, we produced them within one week. The other documents belonged to a State Department employee who brought them with him when he recently joined the White House staff, and, thus, they were not in our possession at the time of our original search.

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The Trie-related materials consist of three pages of non-substantive administrative routing documents and one other document that was recently located in Oval Office Operations. When they were discovered, we promptly produced them to the Committee.

Current Production

Except for the completion of the e-mail review described above, and any additional phone log searches the Committee wishes us to undertake, we do not anticipate any further production in response to the Committee's first seven subpoenas. We are, of course, conducting searches with respect to the Committee's more recent requests (for example, we expect to produce later this week materials responsive to the Committee's August 21, 1997 subpoena) and, if, in the course of those searches, we locate any additional documents that are responsive to the earlier subpoenas, we will produce them promptly.

In addition, as you know, we have received numerous requests and subpoenas for documents from other investigative bodies. In the event that the materials gathered in response to those requests are related to the Committee's requests, even if not technically responsive, we will produce them as part of our ongoing cooperation with the Committee. For example, we recently received a request from another investigative body related to U.S. policy concerning Guam. The search for those documents generated materials that were not within the scope of the Committee's request as agreed on by our staffs, but we will be producing those documents to the Committee in the near future.

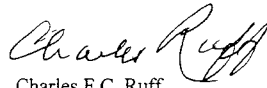
Mr. Chairman, during our conversations I have repeatedly expressed the seriousness with which I and my staff take our obligation to respond to the subpoenas we have received. We have endeavored to execute the President's mandate to cooperate fully with the Committee's investigation. Nonetheless, as we have discussed and as is reflected in the description of our compliance efforts in this letter, we will inevitably discover responsive documents in the course of other searches. I can assure you that we will produce any such documents promptly, and I reiterate my previous representation to you that, under no circumstances, will this Office ever manipulate our compliance efforts or our production schedule for any tactical advantage. Moreover, if the Committee has some special interest in particular documents or information, because it is preparing to interview a witness or for any other reason, we will endeavor to adapt our searches and production to the Committee's needs.

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The Honorable Dan Burton
September 11, 1997
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Thank you again for giving me the opportunity to address your concerns about this matter. If you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles Ruff".

Charles F.C. Ruff
Counsel to the President

cc: The Honorable Henry A. Waxman

Mr. RUFF. Forgive me. It's taking me a few minutes to get there.

Mrs. CHENOWETH-HAGE. Oh, yes.

Mr. RUFF. I have it.

Mrs. CHENOWETH-HAGE. This is a letter to the committee where you stated, this letter serves to certify that to the best of my knowledge the White House has produced all documents responsive to the committee's subpoenas.

And then, on the dog track matter, exhibit No. 141, which is four pages beyond the document just referred to, in your January 6, 1998, letter you wrote, to the best of our knowledge we have provided the committee with all responsive materials that we have located as a matter of our EOP-wide search for documents relating to the St. Croix Meadows Greyhound Racing Park.

[Exhibit 141 follows:]

THE WHITE HOUSE
WASHINGTON
January 16, 1998

BY FACSIMILE AND U.S. MAIL

The Honorable Dan Burton
Chairman
Government Reform and Oversight Committee
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515


Dear Mr. Chairman:

I write in response to your January 14, 1998 letter in which you request a certification that we have fully complied with the Committee's August 21, 1997 subpoena.

To the best of our knowledge, we have provided the Committee with all responsive materials that we have located as a result of our EOP-wide search for documents relating to the St. Croix Meadows Greyhound Racing Park.

If you have any questions, please call me.

Sincerely,


Charles F.C. Ruff
Counsel to the President

cc: The Honorable Henry A. Waxman



Mrs. CHENOWETH-HAGE. Then in exhibit No. 142 on the Charlie Trie matter, in a February 20, 1998 letter Lanny Breuer wrote, I understand that all e-mails currently searchable regarding Mr. Trie have been provided to the committee.

[Exhibit 142 follows:]

THE WHITE HOUSE
WASHINGTON

February 20, 1998

VIA FACSIMILE AND U.S. MAIL

Barbara Comstock, Esq.
Chief Investigative Counsel
Government Reform and Oversight Committee
U.S. House of Representatives
2157 Rayburn House Building
Washington, D.C. 20515

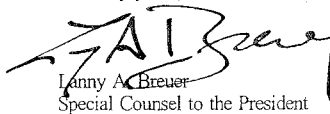
Dear Barbara:

I am in receipt of Chairman Burton's February 6, 1998 letter concerning documents related to Mr. Trie. With respect to the Chairman's questions regarding the background check conducted in connection with Mr. Trie's appointment to the Commission on United States Pacific Trade and Investment Policy, I refer you to Dimitri Nionakis' September 10, 1997 letter to you and the documents thereto.

As Mr. Nionakis' letter and the documents that accompanied it make clear, pursuant to a request by the Counsel's office, a name and tax check on Mr. Trie were conducted by the FBI and IRS, respectively. See EOP 064208A. Moreover, with the exception of the documents identified in Mr. Nionakis' letter, to the best of our knowledge, the White House has provided the Committee with all responsive documents concerning Mr. Trie's background check. Finally, I understand that all e-mails currently searchable regarding Mr. Trie have been provided to the Committee. (See Mr. Ruff's October 21, 1997 letter to Mr. Bennett)

If you have any questions, please call me.

Sincerely yours,



Lanny A. Brewer
Special Counsel to the President

cc: Ken Ballen, Esq.



Mrs. CHENOWETH-HAGE. Then in exhibit No. 143 involving clemency for the Puerto Rican terrorists, in a December 3, 1999, letter, Dimitri Nionakis wrote, in addition, due to the number of requests for information from investigative bodies, the search of archived e-mail messages has taken longer than expected. I anticipate that we should complete that search by the end of next week.
[Exhibit 143 follows:]

THE WHITE HOUSE
WASHINGTON

December 3, 1999

BY HAND

Kristi Remington, Senior Counsel
Committee on Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Ms. Remington:

I write to follow-up on my November 23, 1999 letter and to advise you as to the status of the Executive Office of the President's (EOP) search for materials responsive to the Committee's November 10, 1999 subpoena relating to surveillance regarding the relationship between FALN or Los Macheteros and the Cuban Government.

As I indicated in my previous letter, we located one document that was created by a third party agency, the Federal Bureau of Investigation. We have informed the Department of Justice about your request for this document. Pursuant to longstanding executive branch practice, the Committee should contact DOJ regarding your request.

Also, as you know, we located a document (CL 16796-97) that contains classified and confidential information about an unrelated policy matter. Accordingly, we are producing the document with the non-responsive, classified, and confidential information redacted. Because the responsive information is also classified, we are producing it to the Committee in a sealed envelope with a coversheet designating it classified. Please ensure that this document is handled properly.

We have not located any other responsive materials from our expedited search of the EOP offices that you believed were relevant to the subpoena's subject matter. With respect to our search of the non-relevant EOP offices, to date we have not located any responsive materials. Please note that a few of the offices are still reviewing their files; however, I expect these searches to be completed within the next few days. In addition, due to the number of requests for information from investigative bodies, the search of archived e-mail messages has taken longer than expected. I anticipate that we should complete that search by the end of next week. If we locate any additional responsive materials, we will promptly provide them to the Committee.




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Kristi L. Remington
December 3, 1999
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If you have any questions, please call me at 202-456-5814.

Sincerely,



Dimitri J. Nionakis
Associate Counsel to the President

Enclosure

Mrs. CHENOWETH-HAGE. Then on the Waco tragedy, in a January 28, 2000, letter, Dimitri Nionakis wrote, and I quote from exhibit No. 60, the scope of our recent search for Waco-related materials encompassed all items or documents in any way relevant to the events occurring at the Branch Davidian compound in Mt. Carmel outside of Waco, Texas, in February through April 1993.

Mrs. CHENOWETH-HAGE. Now, these are not trivial matters. I think anyone would agree with that.

Mr. Ruff, given what we know, though, about the e-mail problems, these assurances are no longer reliable that I just read to you, not a single one of them. Granted some of the assurances were given before your office's knowledge of the e-mail problem, but let's begin by focusing on those examples of assurances made before the summer of 1998. Do you believe that the White House counsel's office has an obligation to inform the committee if it learns information that renders a prior certification invalid or inaccurate?

Mr. RUFF. I do, and it has.

Mrs. CHENOWETH-HAGE. Mr. Ruff, do you believe that the White House counsel's office should wait for pressure from the press and or public hearings to correct inaccurate information provided by the committee—

Mr. RUFF. The White House's—

Mrs. CHENOWETH-HAGE [continuing]. Provided to the committee.

Mr. RUFF. The White House counsel's has, to my knowledge and my experience, been forthcoming with the committee, whether the words be a happy one or unhappy one, about its compliance with committee requests.

Mrs. CHENOWETH-HAGE. I find that difficult—I find it difficult to understand that, in this Nation, the most highly technical information retrieval systems that exists in the White House, that we can't get information before Thanksgiving of this year.

Mr. RUFF. Congresswoman, to that issue, I am really not able to speak; and I'll leave it in Mr. Lindsay's hands. But, as I explained earlier, I think he said that there will be a rolling production made and before Thanksgiving.

Mrs. CHENOWETH-HAGE. And it is now May. I don't think your assurances make us feel very sanguine about this issue, nor the American people.

But let's turn to those assurances given—

Mr. BARR. The gentlelady's time has expired.

Mrs. CHENOWETH-HAGE. Thank you, Mr. Chairman.

Mr. BARR. Who seeks recognition?

The gentleman from Tennessee is recognized for 5 minutes.

Mr. FORD. Let me walk back through really quickly just for the record.

My colleague, Mr. Barr, has made, panelists, some very strong allegations that seem to be completely unfounded. In fact, he held up a folder of e-mails regarding Monica Lewinsky and said they had not been produced to the Office of Independent Counsel. He was referring to the results conducted by Mr. Haas, I believe, in mid-1998. Was that accusation accurate?

I ask any of the panelists who might be able to respond. I think Mr. Lindsay might.

Mr. LINDSAY. It's not my understanding. If I understand the testimony here today, that that was not correct.

Mr. FORD. In fact, we've actually heard from numerous people testifying that Miss Shelly Peterson in the White House counsel's office searched those e-mails and determined that every single responsive e-mail had already been produced for the independent counsel or to the independent counsel. Is that your understanding as well?

Mr. LINDSAY. I refer that to counsel.

Ms. MILLS. That is my understanding.

Mr. FORD. Now Mr. Barr states it was puzzling that the White House counsel's office did not produce the documents to the independent counsel a second time, even though they had already produced or been turned over. Do any of you know—and I'm a lawyer, graduated from a rural school, Mr. Barr, up in Michigan called the University of Michigan, I'm not as bright as you, but I don't know any legal theory or set of legal ethics that suggests that it's necessary to turn over documents when you have already produced those exact same documents. Mr. Ruff, do you know of any legal theory or legal ethics that requires that?

Mr. RUFF. I do not, Congressman. I think we made the judgment that because indeed these documents were duplicative of those which had already been turned over that we met our obligation under the subpoena.

Mr. FORD. Miss Mills, I know you're a Stanford lawyer. Do you know of any legal theory or set of legal ethics that would require you to turn over two times documents?

Ms. MILLS. I am not aware of any.

Mr. FORD. Mr. Lindsay.

Mr. LINDSAY. No, sir.

Mr. FORD. My good friend from Connecticut, who I am sorry left—I understand left, made some comments about Ms. Mills' brilliant opening statement. And I can imagine if you were one of those that had worked tirelessly, even if it was not the intention to bring truth to some of the horrible things that we've done on this committee, that perhaps you would disagree or find disagreeable some of the things that she said.

But I do take somewhat of an issue with those who may suggest that there have been those in the White House, Miss Mills included, who have not been as forthright and forthcoming as she should have been. Perhaps the better way of saying it, she's not—they're not saying the things you would like for them to say. The badgering of Mr. Lindsay by my colleague, Mr. Shays, was embarrassing. I can understand if we disagree with what he's saying, but you can't disagree because he's not saying what it is you want him to say.

Also, Chairman Barr, it's come to my attention that one of—that someone on your side encouraged other Members on your side who might be friendly or might, I should say, be willing to accept what the White House officials are saying were encouraged not to come, not to attend this morning's hearings because it might give off the wrong impression. If someone on the other side can dispute that I, unlike you, will believe you, unlike we're giving these witnesses the credit this morning.

I would close by saying my good friend, Mr. Barr—and he is a friend. We were at the Super Bowl together in Atlanta, and I had a chance to see his wife. He was rooting for the wrong team, the St. Louis Rams if I remember, but he's still a friend nonetheless.

You know, there are those on your side of the aisle who have been accused of doing things that we have learned were not true. At one point when you were U.S. attorney in Georgia you were accused of going after—unfairly going after African American elected officeholders. You said indeed that was not the case at your office. There was no racism, no bigotry involved. And many accepted that. I've accepted that. And others, even politicians in Atlanta that I know and are close with, have accepted that.

Mr. Burton has his own share of allegations levelled at him; and there are those that suggest that he's done nothing wrong, as he has. And I accept and respect that. I would only hope that at some point we can learn to accept and respect what the White House is saying.

Again, we can disagree over policies and perspectives and issues and vision, but when do we stop? I mean, we went through an impeachment hearing where you lost a would-be Speaker, Mr. Livingston. And no disrespect to Mr. Hastert but Congressman Livingston—Chairman Livingston would probably have made a great Speaker. He respects this process.

And, again, I would love to see Mr. Gephardt be Speaker, but we have to have a non-Democrat. Mr. Livingston would have made a great Speaker. We lost him. You lost your other Speaker, Speaker Gingrich, because he didn't aggressively go after the President. When do we stop?

I mean, when is that in—we take a look—and I would love—Mr. Shays was asking Mr. Ruff—Mr. Ruff, if you were a member of this committee, do you think it would be appropriate to take some of the recommendations offered by Ms. Mills to investigate why black men in New York are afraid to take their wallets out of their back pockets?

Mr. BARR. The gentleman's time has expired.

Mr. FORD. No, no. Would you urge us, Mr. Shays—

Mr. BARR. The gentleman's time has expired. Would he like an additional minute by—

Mr. FORD. Mr. Ruff, if you were a member of this committee, would you investigate that?

Mr. RUFF. That I think is the people's business, Congressman.

Mr. FORD. If you were a member of this committee, would you look into the LAPD and some—I mean, if we're going to—

Mr. BARR. The gentleman's time has expired. The gentleman's time has expired.

Mr. FORD. If you're going to ask, Mr. Barr, these—

Mr. BARR. The gentleman's time has expired.

Mr. FORD [continuing]. Would you be investigating the White House, Mr. Ruff, with the aggression of those of us on this committee?

Mr. RUFF. I have a modestly biased view of that, Congressman, you'll understand.

Mr. FORD. You can answer yes or no. I'll accept it.

Mr. RUFF. The answer is I think that—

Mr. BARR. The gentleman's time has expired. The gentleman knows the rules of decorum. He's choosing deliberately to ignore them. Would the gentleman like additional time by unanimous consent? Would you stop just long enough to allow me to ask you that question?

Mr. FORD. I would.

Mr. BARR. OK. Without objection, the gentleman is recognized for 1 more minute.

Mr. FORD. If you were a member of this committee, Ms. Mills, would you commence an investigation into why African American men are afraid to take their wallets out in New York?

Ms. MILLS. I would.

Mr. FORD. Mr. Lindsay, if you were a member of this committee, would you commence an investigation as to why young African American men are afraid to take their wallets out in New York?

Mr. LINDSAY. Absolutely, sir.

Mr. FORD. If you were a member of this committee, would you want other Members of this body to investigate why we have not passed a prescription drug benefit for seniors at a time when the economy is performing like it is and prescription drug prices are spiraling out of control like they are? If you were a Member of this Congress, would you not be interested in those issues, Mr. Lindsay?

Mr. LINDSAY. Yes, sir.

Mr. FORD. Ms. Mills.

Ms. MILLS. Yes.

Mr. FORD. Mr. Ruff.

Mr. RUFF. Yes, sir.

Mr. FORD. I would imagine they're not alone, Mr. Barr, Mr. Chairman. At some point, it has to come to an end.

It's unfortunate that it had to be framed in a joke the other night by the President at dinner with members of the press, but he said we only have 7 more months to investigate him. I would hope that we would not take him up on his word. You all have been great in not taking him up on his word. I would hope that this one time that you would remain consistent on that front and let us get back to the business of the people. Listen to what we're debating. We're debating e-mails.

Mr. BARR. The gentleman's time has expired. I recognize myself for 5 minutes.

Mr. Ruff, in December 1998, as a matter of fact by letter dated December 8, 1998, Judicial Watch which, as you know, is representing parties in the Alexander versus the FBI case before Judge Lamberth, they sent a letter to Mr. James Gilligan of the U.S. Department of Justice Civil Division Federal Programs Branch in which they raise the issue in December 1998 of the missing e-mails. And this was in the context of the Alexander case that they ask the Department of Justice and they included the December 28th issue of Insight magazine article on this that I know you're familiar with. Have you ever seen that letter? Did that letter come up in any of your conversations or the interface that you conducted on these matters with the Department?

Mr. RUFF. Perhaps I could see a copy of it now, and I would be happy to tell you.

Mr. BARR. You have no independent recollection.

Mr. RUFF. I do not, no.

I have no recollection of ever having seen this letter or of the attachments that purport to have been with it.

Mr. BARR. Did you have any discussions either at that time or contemporaneously in that time period with anybody at the Department of Justice about the request from judicial watch?

Mr. RUFF. There were—I couldn't tell you whether they were contemporaneous or not. I would, on occasion, over the course of my tenure in the White House, meet with one or more of my staff and one or more of the Justice Department lawyers who were helping us respond to various matters in connection with this litigation. I have no recollection of any discussion that would be contemporaneous or related to this letter.

Mr. BARR. Mr. Lindsay, last month you testified, and I don't remember your exact words, and knowing how very particular you are, appropriately so, I'm not going to put any words in your mouth, but the testimony last month, or in March when you testified here, you, I believe, testified that the issue of getting this whole matter of the missing e-mails resolved as being very important; is that accurate?

Mr. LINDSAY. I believe at that point I was referring to the—resolving the technical problem because that's all I really knew about at that time.

Mr. BARR. But you knew there was a serious problem, or are you now maintaining that—

Mr. LINDSAY. No, I am saying there was a problem and—

Mr. BARR. OK. I'm not interested in—not trying to put words in your mouth. If you would please, in that context then, refer to exhibit 94. This is an e-mail of February 24, 1999. Mr. Heissner, Karl Heissner writes that on the current status of the Mail2 reconstruction, which is the serious problem that we're talking about here, is that he is, quote, awaiting funding and management decision to proceed.

Mr. Heissner testified, as I know you're probably aware, yesterday to this committee that no one in the Office of Administration management, including yourself, ever gave him any funding or direction to proceed with the reconstruction of the unreported e-mails until early this year, the year 2000, long after the problem had already been reported, was well-known and actually had been reported even in the media.

Why was Mr. Heissner prevented from moving forward and never given the authorization to move forward with the reconstruction, in other words, to resolve this problem?

Mr. LINDSAY. Sir, the—as I stated in my testimony on March 23rd, November, when we discovered, when we were able to resolve the Mail2 problem in terms of solving the glitch, the first priority that I had was addressing the Y2K problem. This is the time period where we received the money that we needed to address the Y2K problem after a long period where we hadn't received enough resources to address the technical concerns of the Executive Office of the President and the Presidency of the United States.

Mr. BARR. Were you not aware of any subpoenas, lawful subpoenas, failure to comply with which could subject individuals to con-

tempt of court, if not obstruction of justice charges that were outstanding?

Mr. LINDSAY. As we discussed before, sir, there are two different issues. The issue of compliance with the subpoenas and whether or not the information that was provided was complying with those subpoenas was a determination that was made by the counsel's office. The other problem—

Mr. BARR. They've never made that determination. The only determination that we have is Ms. Mills' testimony today that somebody else not before this committee with regard to just that one stack of e-mails had made a determination, not reviewed apparently by anybody, prior to the decision being made and finalized, that these materials would not be sent over to whoever had requested them by subpoena. But there's never been any determination made because the reconstruction has never been made with regard to anything other than just that one stack of e-mails.

Mr. LINDSAY. As it was already testified earlier today, sir, the information as to the impact of this particular glitch on searches it was believed, believed by me and believed by people in the counsel's office, that it did not have an impact on those searches. Therefore, I was left with problem No. 2.

Mr. BARR. How can you, with a straight face, say that? We're talking about hundreds of thousands of e-mails that have not been reviewed.

Mr. LINDSAY. Yes, sir.

Mr. BARR. You're making a statement that you feel comfortable that there's nothing in there that's subject to any subpoenas, because if you can't make that statement, you can't state that all of the subpoenas have been complied with.

Mr. LINDSAY. No. 1, sir, I did not know how many e-mails there were at that time. I'm testifying about the state of my mind at that particular time. All I knew about what was the fact—

Mr. BARR. Of course, you are. You wouldn't have any way of knowing.

Mr. LINDSAY [continuing]. That would seem to show that there was no problem with the production of any kind of subpoenas. Therefore, sir, I was left with one very important other issue, and that was the technical issue of how to resolve it. Resolving that technical issue, we needed not only money but also—

Mr. BARR. So when you're talking about resolving it, you're not talking about resolving it, you're just talking about solving the technical problem from that point forward?

Mr. LINDSAY. No.

Mr. BARR. That in your mind, your state of mind, as you call it, is resolving the issue, is that what you're talking about?

Mr. LINDSAY. That's not an accurate characterization of my testimony. What I said is when I first came into contact with the issue, I was interested in resolving the issue. That meant resolving the issue if you, the counsel's office, came back to me and said that there was a problem with the e-mails, then I would go back and then take whatever—

Mr. BARR. Who assured you that there was no problem?

Mr. LINDSAY. It's not that I was assured that there was no problem. The information that came to me was that the information

that I provided after the task was duplicative information. Therefore, the information——

Mr. BARR. Information duplicative of what?

Mr. LINDSAY [continuing]. Searches.

Mr. BARR. Information duplicative of what?

Mr. LINDSAY. That the information had already been provided in other information.

Mr. BARR. How would anybody know that, Mr. Lindsay?

Mr. LINDSAY. I did not—I don't know how they did it. I don't know the process in terms of what was going on.

Mr. BARR. You're obviously a very bright man.

Mr. LINDSAY. Thank you, sir.

Mr. BARR. And you made sure we understood that last time. You told us your degrees and so forth, and I agree with that. How can you make the statement that hundreds of thousands—let's not even use the word hundreds of thousand—a large number of e-mails, that nobody has seen——

Mr. LINDSAY. Sir, I worked in an environment where a lot of people who——

Mr. BARR [continuing]. That would be subject to being provided pursuant to a subpoena when nobody's looked at them?

Mr. LINDSAY. The determination as to whether or not that information met or was required by subpoena or was responsive or not was a determination made by the counsel's office.

Mr. BARR. Who? Who?

Mr. LINDSAY. I don't know who in the counsel's office. I was sitting here learning about some of those components.

Mr. BARR. Who told you that there was nothing in those missing e-mails subject to any subpoenas?

Mr. LINDSAY. I don't recall.

Mr. BARR. Oh, come on. You're stating under oath that somebody made that statement to you and you cannot recall, as you sit here today, who in the White House counsel's office told that to you?

Mr. LINDSAY. I'm not stating under oath that someone said that to me. What I'm stating is that the information that I provided——

Mr. BARR. Did they take any notes to that effect?

Mr. LINDSAY [continuing]. Was a duplicate of information that was provided, and therefore it did not present an issue——

Mr. CUMMINGS. Mr. Chairman, is there a time limitation?

Mr. FORD. Can I ask a unanimous consent request that we extend the chairman's——

Mr. BARR. That's OK. We'll come back. Who seeks recognition?

Mr. CUMMINGS. Ms. Norton.

Mr. BARR. Gentlelady from the District of Columbia is recognized for 5 minutes.

Ms. NORTON. I thank the chairman and I thank the gentleman from Maryland.

Mr. Chairman, I regret the troubling presumption of wrongdoing that surrounds these hearings. Anyone who has been at the bar knows that in a criminal or civil trial, a person's reputation for integrity outweighs very heavily on the outcome. Therefore, I'd like to say a few words about the integrity of these witnesses.

The allegations and the evidence that has been adduced so far fails altogether to override the reputations they have at the bar

and in the community. I see no evidence that they would sacrifice reputations they have built over a period of years to avoid their legal or ethical responsibility.

I know Charles Ruff personally, and I know him by reputation at the bar and in the city where he has lived for many years. Although one of the most successful lawyers in the country at a time when, in the early nineties, when there was a great deal of crime in the District, Charles Ruff offered his services to the city, not as a lawyer, but to do whatever he could for children. The officials of the District of Columbia could only scratch their heads as to how they could use such a distinguished lawyer for children. Whenever he speaks in this city these days, he does not speak about the bar or about lawyers, he speaks about children.

Finally, the city convinced him that he should become the corporation counsel of this city where he led the city during a particularly troubling period and distinguished himself and made a world of difference for having left private practice to do so. He was the president of the bar in this city. On any list of the leading lawyers in the United States of America, Charles Ruff would be near the top of that list.

Cheryl Mills is one of the bright lights of her generation. I mean to see to it that her remarks at this hearing go into the congressional record. She owes her meteoric rise not only to her extraordinary proven ability, but to her wonderful integrity, proved at so young an age that the President of the United States was willing to put his entire, his entire fate in her hands until she decided to do what few lawyers of any generation would do and, that is, to decline to be the counsel, the White House counsel to the President.

I do not know Mr. Mark Lindsay personally, but I do know him by reputation because he served ably one of the pillars of the House, Mr. Lewis Stokes, who would have had no one on his staff except a person of the most stellar reputation.

It does seem to me that these witnesses are at least entitled to have put in the record what others think of them, and when I insist that what I think of them goes into the record, I want it to be known that I am speaking for thousands of others.

I thank you, Mr. Chairman, and I yield back the remainder of my time.

Mr. BURTON [presiding]. The gentlelady yields back the balance of her time.

Mr. CUMMINGS, did you have some comments you wanted to make?

Mr. CUMMINGS. I just want to echo my colleagues' kind words again to our witnesses. You know, as I've sat here, Mr. Chairman, hearing after hearing, I have been a witness to people's characters being torn apart, and you know, when I think about government service, our government employees are so often, Mr. Chairman, underpaid. So many of them work very, very long hours, and they give their blood, their sweat and their tears, and they come into a room like this and are often raked across the coals. And Ms. Mills is right, you know, the question becomes who would go in government service, I mean, when they see this.

And that's why I join in with Mr. Ford and Mr. Waxman, and certainly my colleague, Ms. Norton, and take a moment to simply

say thank you. Thank you for all that you have given. Thank you for not only touching us as adults, but someone once said our children are the living messages we send to a future we will never see, and Mr. Ruff, you will be interested to know, I was walking down the hall just a few moments ago and a young man, I think he's a lawyer, I overheard him say, you know, Mr. Ruff is a guru of the Washington bar. I mean, that's a hell of a statement, it really is. I mean this was unsolicited, he was just talking to a friend and talking about how much he admired you, and you know, I think sometimes we forget that we are all human beings.

I think Ms. Mills said it best, said all of us make our mistakes, we do some things good, we do some things not so good, but we are all human beings, and in this life and in this government life, and the kind of government that we deal with today, I think we all face some very tremendous challenges, and Mr. Waxman often says that a lot of times the allegations that are made about people when they come before this committee, they're put out there, they're put out there into the universe, and you know, the sad part about it is all the people that hear the allegations, they don't necessarily hear what we hear. They don't necessarily hear a lot of the allegations literally torn to shreds. And I have seen situations where allegations were made, and by the time a hearing was over, it's hard to believe the allegations were ever made because of the testimony that has come forward.

And for those reasons, I take my moment to simply say thank you. Thank you for all that you've done. Thank you for all that you're doing, and thank you for standing up.

Ms. Norton was talking about integrity, and one person has defined integrity as having three parts, Mr. Chairman. First of all, it's standing up for what is right, discerning between what is right and wrong. Second, it is acting on what is right, even to your own peril. And third, it is telling others what you did so that they can follow your example. And to our witnesses today, I thank you for having integrity. No matter what others may say, no matter what the referrals may be, thank you for standing up for what you believe in, and thank you for being examples to us and our children. Thank you.

Mr. BURTON. The gentleman yields back the balance of his time. We will now go to the counsel for his questioning in accordance with the rule. I will just take about a minute here at the beginning of his time to say that I understand the accolades that have been given to the witnesses today, but the fact remains, for over 2 years the White House has known about these e-mails. The White House counsel's office has known about these e-mails. They were under subpoena from a number of sources to whom all of this information should have been given in a timely fashion, or at least they should have been made aware of the glitch that was taking place over there, but for 2 years, we've been held at arm's length and we haven't gotten those documents. So all the accolades and all the nice things that are being said about the people at the table doesn't change the fact.

The fact is that duly subpoenaed documents were kept from the Congress when the White House had knowledge about them for over 2 years, and I use the missing tapes in the Nixon case that

were a part of the reason that he was removed from office, and here we have hundreds of thousands of e-mails that may be relevant to a whole series of investigations. We haven't received them. We haven't even been notified about them, even though the White House knew about them, the White House counsel's office knew about them, and yet we continue to hear these accolades, but these are the facts.

These are the things that need to be made clear to the American people, that if there's an investigation going on by an independent counsel by a committee of Congress and a duly authorized subpoena has been sent, we are entitled to that information, and if the White House knows about it and they don't give it to us intentionally, or they keep the information from us intentionally about a problem over there, then they're obstructing our investigations and that's what this is all about.

Mr. Wilson.

Mr. WILSON. Good afternoon. I'll be as brief as possible, and hopefully we'll soon be out of here, with this panel, anyways. I want to try and cover two areas, and I'll tell you what they are in advance so that we can hopefully be as brief as possible. The first relates to the search that was conducted that resulted in the materials that were produced to us the day before yesterday, and I'll tell you why I want to cover this with a little more specificity.

Mr. Ruff came in for an interview. He's testifying today. He's been very clear that he understood that there was a potential problem that might relate to document production. He told us in his interview to, and I'll quote, make sure, in fact, this system which the problem had not—it is a little bit of garbled syntax, but which was probably not tainted—the ability to find materials that were responsive to the special prosecutor's inquiry, and following from that, a search was conducted, and Mr. Ruff said today, indeed, that was the purpose of conducting the search.

So an awful lot was riding on this search. The search, in many respects, determines whether somebody should or should not have understood that there was a problem. So I want to ask a few more questions about that.

The second thing I would like to cover is a second meeting at the White House. When the Mail2 problem was discovered in June 1998, Mr. Lindsay has taken pains to point out that he testified last month that he did go and meet with Mr. Ruff. This is something we do know, and we've discussed the memo that was drafted that Mr. Ruff saw and that ultimately that was directed to the deputy counsel for the President.

One thing we learned just in the last week, however, that we did not know from your testimony previously and we learned this from Mr. Lyle, Michael Lyle, the director of the Office of Administration, was that in April 1999, another aspect of this e-mail problem was discovered, and Mr. Lyle indicated to us that Mr. Lindsay went back to the White House counsel's office and told them a second time about an e-mail problem. And I'd like to cover—we haven't discussed that at all today. I'd like to cover that with you, Mr. Lindsay.

Let's go back to the search. The question's been asked, what were the terms of the search, and just so that we can start from a level

playing field, I'll ask again, Mr. Ruff, do you know what the terms of the search were?

Mr. RUFF. I do not, Mr. Wilson.

Mr. WILSON. Ms. Mills, do you know what the terms of the search were?

Ms. MILLS. I do not, and in your statement there was a memo sent to the deputy counsel to the President, and I'm not aware of that memo.

Mr. WILSON. If I did I misspoke. I meant to say the deputy chief of staff at that time, Mr. Podesta. So I apologize. I know it would not have been you.

Ms. MILLS. Thank you.

Mr. WILSON. Fair enough. Now, Mr. Lindsay, I'll ask you the same question—well, I will ask you the same question first. Do you know what the terms of the search were?

Mr. LINDSAY. You mean the names that were being searched?

Mr. WILSON. Well, we don't know at all what the terms of the search were. So I'm asking you what the terms of the search were.

Mr. LINDSAY. I believe that they were the names of certain individuals. I don't know anything about the terms.

Mr. WILSON. Now, where have you gained that belief from? How do you know that?

Mr. LINDSAY. The person who conveyed the request for the search to me, then I conveyed that information to, I can't remember, I think it was Laura Callahan, and then the search was conducted.

Mr. WILSON. Was the search—was what was conducted to you in writing?

Mr. LINDSAY. No.

Mr. WILSON. So is it fair to say you had a verbal instruction as to what you should look for in the e-mails that you could search from the servers?

Mr. LINDSAY. Yes.

Mr. WILSON. OK. Mr. Ruff, just turning to you, this search was clearly quite important, because it now stands for the proposition that there wasn't a problem, and I'm just—one of the problems we're struggling with is why does nobody remember what the search was supposed to be for, do you know?

Mr. RUFF. That's a question that I can't answer for you, Mr. Wilson. I do not, as I have said, know who conveyed the parameters of the search or any other instructions. There may be such a person waiting to be identified, but I can't help you in that regard.

Mr. WILSON. Now if I can, for a second, I'll turn to you, Ms. Mills, because it's our understanding that Mr. Ruff did rely on his staff, and I can understand him not knowing all of the details of matters that he delegates to his staff, and this is one reason we've asked you to come here today to try and help us and explain to us what precisely you were looking for to help you decide that there wasn't a problem. If you could, please tell us.

Ms. MILLS. Well, your characterization suggests that I was looking for something, and I think my testimony has been, and I hope has been clear with respect to the fact, it was my understanding that OA was undertaking the search, that they were going to provide the e-mails that were missing, that we were going to review

them to make a determination as to whether or not they were duplicative or they were e-mails that had not been captured and needed to be produced.

So what I was anticipating was that there would be documents that would come, that there would be review conducted of them and that review would tell us whether or not those materials had or had not been provided to the appropriate requesters.

Mr. WILSON. You're clear on that. The part I don't understand, I think the committee has a problem with, is how did the Office of Administration come to conduct a search? We've been told by Office of Administration employees that they never conducted searches of their own volition. They just didn't go into people's computers and look for information. We were told that they, in all other cases, received written instructions and did searches accordingly. Everybody we have talked to has told us that they did not originate a search term.

So how did the Office of Administration come to be conducting a search?

Ms. MILLS. As I can only testify from my personal knowledge, I don't know the answer to that question.

Mr. WILSON. Do you know who we might turn to to ask that question of?

Ms. MILLS. I do not.

Mr. WILSON. Do you know whether Ms. Peterson, at any point, formulated a search term for the Office of Administration?

Ms. MILLS. I do not know whether or not she did, though I would be surprised, primarily because I provided the materials that came over from the Office of Administration to her for her to conduct her review, but I don't know the answer to that question.

Mr. WILSON. The part that I'd like you to help us out with, if you can, is that the search was very important, because it ultimately was going to determine whether there was a larger problem or not, and two of the principal lawyers in the Office of White House Counsel, indeed counsel to the President, Mr. Ruff and yourself, although you were only deputy counsel, are telling us they did not formulate the search, and so one of our—I think it is a legitimate point of concern—is to try and determine who formulated the search to see whether there was a problem or not, and there's not more I can do, I guess. No one on this panel does know. But did you ever ask, Ms. Mills, what precisely the search term was?

Ms. MILLS. I did not.

Mr. WILSON. Why did you not ask?

Ms. MILLS. I think there are certain assumptions that you're making, and in my testimony I've been trying to be very clear that it was my understanding that the search was being conducted, that it was going to produce materials that needed to be reviewed against prior production to make a determination as to whether or not it had been captured before.

Mr. WILSON. I understand, but we're very circular here. You're telling us that the search was going to be conducted.

Ms. MILLS. It was my understanding that the search was being conducted, that I was going to be provided with the materials we then needed to make a determination with respect to whether or not they were or were not produced previously.

Mr. WILSON. Did you ever express any concern as to what the search would be for?

Ms. MILLS. I didn't have the requisite knowledge to express that type of concern, if I were to have that type of concern, but I certainly believed that to the extent there was an issue that it was going to be, the documents were going to be searched for, and to the extent that they had not been provided, that we were going to provide them.

Mr. WILSON. I think here is where we part ways a little bit. I understand much of what you have said, but you've told us you didn't have the requisite knowledge. What we do know is that there were many document requests that had been made to the White House on many different issues. You were, at the time, focusing on an impeachment inquiry. That's something this committee has had no interest in, no part of.

But we did have document requests that went to campaign finance matters. There were many requests from other independent counsels, the Justice Department had requests, and what we know, and this is why I'm really legitimately trying to work through this problem with you, what we know is that there was a universe of documents that had never been looked at, and this is the memo, and somewhat of the substance of Mr. Lindsay's discussion with Mr. Ruff, communicated and Mr. Ruff understood that, and he's told us he understood that. He understood that there was a universe of documents that had not been looked at and that that might have ramifications for production of documents.

So there's a large universe of—well, there's a universe of information, and there are many document requests out, and so the problem we have is we have a folder of information that goes to one matter, e-mails from Monica Lewinsky to someone else, but there's nothing here that goes to campaign finance or any of the other issues that were being searched. So we're struggling with what does the search stand for. Can you tell us what the search as conducted should prove to us?

Ms. MILLS. I cannot. It was my understanding that the e-mails were being collected and that they were the e-mails that might have been missed, and that if we received those e-mails, we should go through them to make a determination as to whether or not they had been produced or not. That is what we did.

Mr. WILSON. OK. Now Mr. Ruff generously said that the buck stopped with him, but he did inform us during our interview with him that he delegated responsibility to look into this problem to his subordinates, and he gave us a number of names of people who might have been looking at the matter. Yours was one of them. Who do we ask or who do we turn to to find out who was really thinking about this problem? It really appears to us that there's either extraordinary indifference to the problem or nobody was really thinking about the problem. Nobody was taking charge of trying to decide whether there was an issue here.

Was anybody in charge of trying to decide whether there was a problem?

Mr. Ruff.

Mr. RUFF. Obviously, I am hesitant for all the reasons that have been both expressed and implicit in today's hearing to offer any

more individuals the opportunity to spend their day in this chamber. All I can do, and truly is all I can do, Mr. Wilson, is to tell you, as I told you previously, the names of my staff members who regularly participated in the business of document collection and response to subpoenas. Beyond that, if I had any insight into who specifically spoke with OA or otherwise framed the search, I would give that information to you.

Let me say, although I understand your question, that this does not, and did not then, and does not now, reflect, in any sense, any absence of care about the problem. To the contrary, I think the immediate reaction, particularly triggered by the fact that there was this outstanding independent counsel subpoena on the one issue that was of particular interest to us at the moment, suggests the concern we did have and perhaps also suggests the response we got, because it did relieve us of that concern, led in turn to the conclusion, as I have already acknowledged, not based on what we now know to be the facts, but the problem really was not there.

Mr. WILSON. From our perspective though, it does appear that there's some absence of care because even as we sit here today, no one is able to really tell us anything specific about what was done to determine there was an ongoing problem or not. We know there was a search. We know some materials were searched.

Mr. RUFF. That, I suggest, Mr. Wilson, is not an absence of care; it is an absence of memory, but if I had the memory, I would tell you what I knew beyond what I've testified.

Mr. WILSON. There are no notes that have been produced to us. There's no memorandum. We know when the problem was discovered, it was of such significance that Mr. Lindsay participated in a process that resulted in a memorandum to the deputy chief of staff to the President, and within days of the discovery of the problem, you, the counsel of the President, were briefed about a computer problem. This is something that from our perspective, and obviously it is from our perspective, but this is something that indicates that this is a problem that is out of the ordinary, and you yourself indicated that there might be ramifications for production of documents.

And one of the things that's been very clear to us, it's been pointed out, that this was a time of great concern. The impeachment process was—had begun. There was a great sense of angst about that, but that heightens from a lawyer's perspective, certainly from mine, if I knew at a time of great difficulty, such as you were in at that point, that there was an entire universe of information that had never been looked at, that is something that would stand out in my mind. That's something I'd want to know. I'd want to know the search terms, how people went after identifying whether there was or was not a problem. That's the type of thing I'd want to identify, and we'll ask other people. But it just appears that nobody can come up with any recollection as to what they sent the subordinates out, your subordinates out, Ms. Mills, if she sent any of her subordinates out, it doesn't appear that anybody can say this is what we told a particular person to do, to find out whether there was a problem, and that does indicate some lack of care, and that's a charitable characterization.

Mr. RUFF. I disagree with your characterization, but I fear there's not much more I can offer you.

Mr. WILSON. Fair enough. I understand that. Let me turn for just a moment, Mr. Lindsay, to April 1999. It's our understanding from talking to Mr. Lyle that in April 1999, computer technicians identified the second glitch in the computer system that indicated documents were not being captured by the ARMS system, the user D problem. Were you told in April 1999 about the user D problem?

Mr. LINDSAY. Yes, I was.

Mr. WILSON. And if you could be brief, I'd appreciate that. After you were told about the user D problem, what steps did you take to bring that to the attention of any of your superiors or anybody in the White House? A two-part question.

Mr. LINDSAY. One thing, my role was different. I was no longer the general counsel at that particular time.

Mr. WILSON. That's fine, but what steps did you take if any?

Mr. LINDSAY. The primary steps, the drill was essentially the same in terms of what we did in terms of addressing any kind of technical problem of this nature, the effort to make repairs and correct the issue as quickly as possible, and I'm happy to report that frankly we were able to complete the repairs for that particular issue in a much shorter timeframe than we were with the other one. I think that's because, with my best recollection, that's because people had experience with the other problem, they were able to address it and get it resolved quicker. There's greater understanding of the nature of those kinds of issues.

Mr. WILSON. Did you ever go to anybody in the White House counsel's office and tell them about the user D problem?

Mr. LINDSAY. Yes, I did.

Mr. WILSON. Now my recollection is that you did not bring that up in your previous testimony; is that correct?

Mr. LINDSAY. I believe I did.

Mr. WILSON. That you went to the White House in April or thereafter of 1999 and briefed someone in the counsel's office?

Mr. LINDSAY. I don't think I said that. I brought up the letter D problem issue in my testimony.

Mr. WILSON. You certainly did, and there's no dispute on that, but did you tell us before that you went to the counsel's office and told them about the user D problem?

Mr. LINDSAY. I don't remember being asked that specific question.

Mr. WILSON. I don't think you were asked. That's one reason we brought you back, and we only learned this recently but it's not something you volunteered. Now you went back to the counsel's office in April 1999, according to Mr. Lyle. First of all, is that correct, was it April 1999?

Mr. LINDSAY. Yes, sir.

Mr. WILSON. OK. Now that's not quite a year after the Mail2 problem was first discovered, but it's almost a year after. Who did you speak to in the counsel's office?

Mr. LINDSAY. I don't have a specific recollection of who I talked to.

Mr. WILSON. Why did you go to the counsel's office.

Mr. LINDSAY. Because there was the potential of having a similar kind of situation with the other e-mail situation and that would be my normal course of how I would handle it.

Mr. WILSON. Was it the potential or was it the same type of situation as previously? I don't understand the use of the word "potential."

Mr. LINDSAY. It was actually a different problem. It was quite a different problem. It was caused by a different group of people.

Mr. BARR. We understand how it was caused and all that, but it had the same net result. It resulted in information not being captured in the ARMS system; is that correct?

Mr. LINDSAY. That was my understanding.

Mr. BARR. OK. So you went back to the White House counsel's office to tell them something. Apart from—well, and you just told us, so I can't ask too many times, but you don't recall who you talked to. Was it just one person?

Mr. LINDSAY. I don't recall, sir.

Mr. BARR. On this occasion did you draft another memorandum as had been done in June 1998?

Mr. LINDSAY. No. I requested a memorandum be prepared for me describing what the problem was and for my folks to look at it and to try and come up with some kind of resolution.

Mr. BURTON [presiding]. Let me interrupt just a minute. I want to make sure this point is very, very clear. You went to the White House counsel's office when the first e-mail problem arose, but you don't remember who was there other than Mr. Ruff, and you don't remember who you talked to if there was someone else there, and now you're telling us that there was a second time that you went to the White House counsel's office after having been aware of the first e-mail problem, now you had a second e-mail problem. You must have known the gravity of the situation, but the second time you went, you still don't know who you talked to, you can't recall; is that correct?

Mr. LINDSAY. That is correct, but it's very important to understand that there were all—there were regular problems with e-mail, not of the nature that I think would interest this particular committee, but interest me and my staff from a technical perspective of having people not being able to have access to e-mails.

Mr. BURTON. But the point is, by this time there must have been awareness even in your office, that there were subpoenas outstanding, there was an e-mail problem, you have gone back with the second e-mail problem, you have talked to them and you still don't remember who you talked to?

Mr. LINDSAY. No, sir, I do not recall.

Mr. WILSON. Let's pick up the narrative if we can. You went to the White House counsel's office, you talked to somebody, you don't recall the name of the individual you talked to. What was communicated to you, if anything?

Mr. LINDSAY. I don't have any specific recollection of anything being communicated back to me other than we were going to continue to look into the issue and try to resolve it, which is exactly what we did.

Mr. WILSON. "We" as you or "we" as the White House counsel's office?

Mr. LINDSAY. No, my staff.

Mr. WILSON. We just talked about the search that was conducted. Monica Lewinsky e-mails were found, they were compared, they were apparently duplicates. You've come back with a second problem nearly a year later. Do the Monica Lewinsky e-mails that were searched for the previous year stand for any proposition that there was no problem that had to be considered by White House counsel's office? Did you discuss this search of Lewinsky e-mails from the previous year?

Mr. LINDSAY. I don't have a specific recollection of doing that, sir.

Mr. WILSON. Did you communicate at the time that there was a problem that might relate to document production?

Mr. LINDSAY. I may have. I don't have a recollection of doing it. I think it was obvious because of the nature of the issue that it might have an impact on that kind of an issue. The issue still remained that the previous example of a different kind of circumstance but still an e-mail issue, there was duplicate information that was provided.

I also knew that there were lots of other means for that information to be provided. So if it was an issue, that it very well might have been, but only after we were able to do an assessment of the scope and the breadth of the issue would we be able to make any kind of an assessment.

Mr. WILSON. I think it's interesting for you to use the word obvious in relation to document production issues. It's obvious that it might have had some ramifications in document production. It's interesting because it seemed like people in the White House counsel's office didn't find anything obvious in it at all. It sounds like, from everything we've seen, from the documents we've reviewed, from the people we have talked to, that people didn't understand something that is to us relatively simple to understand.

Mr. LINDSAY. That's not my understanding and recollection of the testimony I have heard today.

Mr. WILSON. No. I said what is easy for us to understand, and that's a statement I made, and that doesn't go to testimony. I mean, the proposition is relatively simple. There is a universe of documents that have never been looked at. To this day, nobody knows what is in that universe of documents. That's not a particularly difficult concept for anyone to understand, and I think Mr. Ruff immediately saw that when he gave the instructions he gave as soon as he was briefed.

It's just our problem is we're trying to find what was done to really understand, to come to grips with whether there was a problem. The computer technicians that we've talked to are all very clear there was a problem. They knew it. They understood it. You seem to have understood it. Mr. Ruff seemed to have understood it. And somewhere there's a disconnect. That's why we've asked you the questions, and I appreciate the fact you can't remember who you talked to and you can't remember what you discussed.

Let me just ask one other—turn to something else very quickly. Mr. Lindsay—before I turn to that, I'll ask, courtesy of my memory being improved here, Ms. Mills, did you ever learn about the letter D problem?

Ms. MILLS. No, I did not.

Mr. WILSON. Mr. Ruff, were you ever informed of the letter D problem?

Mr. RUFF. I have no recollection of being informed of that, Mr. Wilson.

Mr. WILSON. Mr. Lindsay, maybe you can help us. The first time you went to talk about the Mail2 problem, you sought a meeting with Mr. Ruff.

Mr. LINDSAY. I was directed by the assistant to the President for Management and Administration to talk to Mr. Ruff.

Mr. WILSON. OK. Now, the second time you went back to talk about this type of computer problem, were you directed by anybody to go back to the White House counsel's office?

Mr. LINDSAY. No, I was not.

Mr. WILSON. I mean, when you were first informed of the user D problem, did you tell your superiors about this problem?

Mr. LINDSAY. Yes, I did.

Mr. WILSON. And did you discuss whether you should go back and inform White House counsel's office a second time?

Mr. LINDSAY. I told them that I would.

Mr. WILSON. And what was their response?

Mr. LINDSAY. That that was a good idea.

Mr. WILSON. But this time, and I understand Mr. Ruff said he doesn't recall, maybe you did go to Mr. Ruff, but would there be a reason go to anybody other than the counsel to discuss this type of problem?

Mr. LINDSAY. There were other people that may have been involved and that I may have run into or dealt with on other issues that I may have discussed the other issues with. So it's possible there's another attorney in the counsel's office I may have discussed it with. I just don't recall who it was.

Mr. WILSON. Now, one thing we've heard from people we've talked to is that they—people who worked for the Office of Administration had a clear understanding that if they didn't have either the money or the personnel to ultimately—and I'll be very simplistic here—but fix this problem, then the problem wasn't going to get fixed. The question I ask of you is, first, did you ever consider asking Congress for additional funds to help fix this e-mail problem? I know it's been done in the year 2000, in March 2000 and starting, but before the year 2000 did you ever consider asking Congress for funds to help fix the e-mail problem?

Mr. LINDSAY. I think that the answer to the question has to be placed into context. In November 1998—

Mr. WILSON. Well, just asking if you ever considered going to Congress and asking—

Mr. LINDSAY. If I ever considered it, yes, I did consider it.

Mr. WILSON. Did you ever ask Congress or instruct anybody else to ask Congress for funds to fix this problem that we are talking about today?

Mr. LINDSAY. Yes, I did.

Mr. WILSON. You did? When was that?

Mr. LINDSAY. March 2000.

Mr. WILSON. Well, I should have been a little more broad. Away from the year 2000—and let me ask, in 1998, did you ever ask Con-

gress or instruct anybody to ask Congress for funds to help fix this problem?

Mr. LINDSAY. That's what I'd like to place into context.

Mr. WILSON. Well, did you or did you not?

Mr. LINDSAY. I did not, and the reason why I did not is because we were faced—at the time I was trying to get money to address the Y2K problem. That was a recognized national crisis issue, and we did——

Mr. WILSON. We gave you money on that.

Mr. LINDSAY. I just want to place into context I needed that money in September. I did not get it until November. Though it was very necessary, I didn't get it. That was an issue that would keep us—it would make the e-mail issue moot because the e-mail system resides on systems that were not going to work when the year turned over. So that issue had to be resolved first. And at that point my staff came to me and said you will not be able to make that timeframe because we do not have the resources.

Mr. WILSON. You have pointed that out before, and we appreciate it. Did you consider Congress had any role in the prioritization of how funds would be allocated? It seems you made a unilateral decision, but did Congress not have any role to play in assessing how funds might be spent?

Mr. LINDSAY. As a matter of fact, sir, at my appropriations hearing we discussed the budget for the Executive Office of the President. Ninety-eight percent of the questions that I remember were about Y2K and the fight to get the resources to address a problem that I believe that I had a mandate from Congress to do everything that was necessary to make sure that we met the requirements that we needed to. We were starting late because of a lot of other circumstances, and so it was very, very clear and obvious to me that Congress wanted us not to fail to meet the Y2K deadlines. They wanted us to spend those moneys responsibly, and that is what we endeavored to do.

Mr. WILSON. Fair enough. One last question. Mr. Ruff, did you ever speak with Earl Silbert about any Northrop Grumman matters at any time?

Mr. RUFF. Ever?

Mr. WILSON. Well, actually, yes, ever.

Mr. RUFF. Because I can't recall ever speaking to Earl about this. I suppose somewhere in the course of our private practice the issue of some Northrop Grumman matter may have surfaced, but I have no recollection of that.

Mr. WILSON. In September 1998 do you have any recollection of having any conversations with Mr. Silbert about any matter pertaining to Northrop Grumman?

Mr. RUFF. I do not. I'd be perfectly happy to have my memory refreshed, but I don't have any recollection.

Mr. BURTON. Counsel's time has expired. Counsel.

Mr. SCHILIRO. Mr. Lindsay, yesterday we went over this. You weren't here. I just want to go over it with you.

When counsel was just asking you questions about funding in 1999, the decisionmaking process then wasn't focused on a response to subpoenas or subpoena compliance. The issue, as we un-

derstood it yesterday from the testimony we received, it was an archival issue?

Mr. LINDSAY. Exactly, sir.

Mr. SCHILIRO. The mindset at the White House at that point wasn't that you were violating subpoenas or weren't producing information to subpoenas but that you should fix the problem because there was an archival responsibility that had to be met to satisfy Federal law; is that correct?

Mr. LINDSAY. Exactly, and keep in mind that we had been engaged in reconstruction of Reagan era, Bush era and early Clinton administration tapes, which I discussed on numerous times with our appropriations folks. I had people from the committee come down and view the tapes. The issue of reconstruction and the issue of the archival issues were all folded into one, and those were things that I had no qualms about discussing with my appropriators and did.

Mr. SCHILIRO. So is there anything else that we need to know about the 1999 decisionmaking process in getting funding or not getting funding?

Mr. LINDSAY. The only other thing I would add is that it's easy now to look back and look at the situation for Y2K and not appreciate the severity of the circumstances. But for us, after coming from a period of having less funding and an antiquated information technology network, we were faced with a prospect of not having a system operating that would serve the President of the United States. That was something that, frankly, we had to do everything in our charge to make sure we didn't do. We had that mandate from the Appropriations Committee, and we got it we felt from Congress in terms of their support to go about doing that, and that what we endeavored to do, and we placed that as our first priority. And because all of these other issues of the operation of the e-mail system and other systems would become moot if our computer systems did not operate properly.

Mr. SCHILIRO. I assume your thinking would have been differently had you thought that this was a subpoena compliance problem.

Mr. LINDSAY. That is exactly correct, sir.

Mr. SCHILIRO. And notwithstanding the Y2K problems, you would have devoted whatever resources had to be devoted in order to meet the requirements of subpoenas?

Mr. LINDSAY. Exactly correct, sir.

Mr. SCHILIRO. Mr. Ruff, counsel made the point which I think is the accurate one, you had no idea of the content of the e-mails, you testified to that before, so that the idea that somebody was making a conscious effort from keeping these e-mails public would be inconsistent with the notion that you didn't know what was in the e-mails? There might be exculpatory material there, so why would you be trying to keep something quiet if you had no idea what the content was.

Mr. SCHILIRO. Exactly so.

A broader statement I suppose is appropriate which is, good, bad or indifferent information, we would never have kept something quiet.

Mr. SCHILIRO. Mr. Ford.

Mr. FORD. Very quickly, I want to ask counsel if he wouldn't mind, in his mind was it more important for—and I appreciate our counsel clarifying some of these issues for all of us and perhaps even some on your side of the aisle, but would you believe—Mr. Chairman, perhaps you can answer as well—would you believe it was more important for them to satisfy an archival responsibility or to ensure the President of the United States and all that the Presidency brings that the operating system at the White House and the information technology system at the White House did not collapse?

Again, I appreciate Mr. Lindsay pointing out for us that at this point it's easy to say that perhaps we overreacted to a potential Y2K problem, but in light of the hearings held in this committee by Mr. Horn, by the concerns raised by other committee members, Mrs. Morella as well as Members on this side of the aisle, do you believe that perhaps—I'm suggesting to counsel as well, if he wouldn't mind responding—that they acted inappropriately or perhaps wrongly for prioritizing the way they did?

I would argue that even if you had been subpoenaed that I would hope that your first priority would have been to ensure that the operating systems at the White House did not collapse. That would seem to me—but in light of the fact that that was not the case, Mr. Chairman, that indeed it was a simple or near archival responsibility now that I understand, would your counsel say that—

Mr. BURTON. I'll respond by saying that they were not mutually exclusive. The funds could have been acquired to look into the e-mail problem and hire the personnel necessary to get to the bottom of the e-mail problem at the same time they were dealing with the Y2K problem, but they never brought to the attention of the appropriations subcommittee this problem. In fact, it's deliberately crossed out, and that's one of the things we've tried to find out, why was that crossed out, why was it not put into a memo that was going to go—

Mr. FORD. Reclaiming my time for one moment, Mr. Chairman, but if there was not a subpoena compliance issue problem, why would anything that you say be relevant? And, two, if you were in their shoes, sir, would your priority not have been to ensure that the White House operating system was Y2K compliant? Would that not have been your focus?

Mr. BURTON. Well, the counsel has the time. That's fine. If you ask me a question and you want me to answer it, let me finish the answer. Don't reclaim your time. We are not on the House floor. If you want me to answer a question, I'll do it. If not, don't ask me any questions.

Mr. FORD. Mr. Chairman, you're the chairman of the committee, sir, but I can reclaim my time if I choose. I'm asking you a question. If you choose to answer it, you can, but I will reclaim my time. You may be chairman of this committee—you can treat these witnesses the way you choose, but you can't treat members of this committee any way you choose. So I absolutely defer to you to answer the question, but I will not take orders from you in terms of when I can reclaim my time. Again, you can treat Mr. Ruff—you can disrupt Ms. Mills' schedule and Mr. Lindsay's schedule, but you will not—

Mr. BURTON. You do not have the time. The counsel has the time.

Mr. FORD. This is our time.

Mr. BURTON. It's the counsel's time.

Mr. FORD. He's yielded to me.

Mr. BURTON. It's the counsel's time. If he yields to you, that's fine, but don't start telling me it's your time.

Mr. FORD. If you, Mr. Chairman, were working at the White House and charged with ensuring the White House operating system was Y2K compliant and you had a charge also to update this archival system, this responsibility that Mr. Lindsay has spoken of and our counsel, what would you have done? And I yield to you if my counsel believes it's OK, and I believe that he does, Mr. Chairman, and I would ask your counsel as well who's whispering in your ear now if he were there what would he have done.

Mr. BURTON. The least the White House could have done, the least was to tell the relevant committees of Congress that had subpoenaed documents and the independent counsels that there was a problem. They chose not to tell us anything, none of us, even though legitimate subpoenas had been sent. So even if they weren't going to solve the problem, the problem should have at least been brought to our attention.

Mr. FORD. Again, if you were in their shoes, what would have been your top priority, Mr. Chairman, at a time when the Nation was braced to deal with a computer breakdown, a collapse of our banking system, our FAA and other important government agencies, what would you have done, sir? Would you have done anything different at the time in which Mr. Lindsay was faced with tackling a problem that I would imagine none of us would have probably wanted.

Mr. BURTON. I would have done something different, and I've explained that, and I will explain it one more time. They're not mutually exclusive. What I would have done is I would have asked the Congress, the Appropriations Committee, for the money to take care of the e-mail problem. Because all they needed was the money and the personnel, and they didn't even ask the Congress for it. In fact, it appears as though they didn't want the Appropriations Committee to know about it because they didn't want the e-mail problem brought to the surface.

Mr. FORD. It appears to me, and I think any reasonable observer could probably agree, that what we have is a problem and a fundamental problem is that you guys have answered questions sufficiently, those at the White House, but some on this committee are looking for different answers, and unfortunately you cannot provide the answers they want because it's simply not true.

Now, I can respect the fact, Mr. Chairman, that those on your side—and, you know, you suggested it's a mutually—they're not mutually exclusive. I'm glad you all made the decision that you made at the White House in terms of prioritizing which responsibilities were more important. I can assure you that if you had followed the lead of this chairman and this Republican side here on this committee that not only would you have been back before this committee answering questions as to why you allowed the White House operating systems to collapse, that you would have had this

Congressman and Congressmen all throughout this Chamber, Democrats and Republicans, lambasting you, Mr. Lindsay, and your office for following the lead of this chairman in trying to fulfill an archival responsibility because of this perverse and bizarre and seemingly endless appetite we have for Monica Lewinsky and all that that entails.

I am proud to say that this White House prioritized correctly. I am pleased and refreshed and somewhat surprised to hear that Mr. Chairman has said that maybe if you all had come back and made the request we would have provided the resources. I hope, Mr. Ruff, that you're probably pleased to hear this as well with your passion for children. Perhaps if we figure out a way to come before this committee and ask for more moneys for school construction perhaps we can persuade this chairman and others on that side to go before the Appropriations Committee to make that request as well.

I'm pleased you made the decision that you made. I'm pleased that you're here today. It's unfortunate, Ms. Mills and others, that your schedules have been disrupted, but it is my sincere hope that when all of this is over, and we only have 7 months left, thank God, that we will offer the three of you and so many others in this administration whose reputations have been smeared and tarnished an apology from this committee, starting with this chairman, this committee, and the others in this Congress for all that we have put you through.

Ms. Mills, I apologize, Mr. Lindsay, I apologize, Mr. Ruff, I apologize, not only to you but to your families for all that you've had to go through, not because we've asked these questions, these are legitimate questions, we have an oversight responsibility here, but I apologize for the personal attacks, I apologize for the incredulous behavior of some of my colleagues and more so again I apologize again for this bizarre appetite for more Monica Lewinsky.

With that I yield back to my counsel whom I hope would yield back to the chairman.

Mr. SCHILIRO. Mr. Chairman, we have 20 minutes remaining and we'll yield it back.

Mr. BURTON. The gentleman yields back the balance of his time. Who seeks time on our side? No one seeks time. Mr. Barr.

Mr. BARR. Mr. Lindsay.

Mr. LINDSAY. Yes, sir.

Mr. BARR. I think you testified before this committee last month here again that your No. 1 objective was to make sure that this problem was resolved. And we went into what exactly that meant. Leaving aside our different interpretations, obviously some substantially different, of what "resolve" means, yesterday again going back to exhibit 94, and Mr. Heissner's testimony, you may recall that Mr. Heissner made corrections to a bullet point relating to the MAIL2 reconstruction. Both Mr. Heissner and Mr. Lyle testified yesterday that these changes were made in preparation for your testimony before congressional appropriators on March 2, 1999. Mr. Lyle also testified that Kate Anderson of your staff deleted this corrected bullet point from the final memo they used to brief you for the appropriations hearing. Were you aware that this deletion had taken place?

Mr. LINDSAY. What exhibit number is that, sir?

Mr. BARR. 94.

Mr. LINDSAY. 94? That's the Heissner e-mail is what I have got it as. Is that the one you're referring to, sir?

Mr. BARR. The Heissner.

Mr. LINDSAY. OK. Got it.

Mr. BARR. So you were aware that that deletion had taken place?

Mr. LINDSAY. No, I was not, sir.

Mr. BARR. You were not. OK. Was the deletion of an accurate description of the MAIL2 problem from a memo used to assist you in informing Congress consistent with trying to do your best to resolve the e-mail problem?

Mr. LINDSAY. First—

Mr. BARR. First inconsistent.

Mr. LINDSAY. First, I think it deserves a little explanation. First, the briefing book was a briefing book for me to testify before Congress. I didn't need briefing points on matters that I already knew. I needed briefing points on those matters for which I was unfamiliar or had numerical information, data, personnel changes, things like that. That's the kind of information that belonged in the briefing book, not information about something that I was familiar. Therefore, though I didn't know it at the time that Ms. Anderson removed that information, I believe it would be appropriate for her to do so because she knew that that's something I already knew something about and it would be inappropriate to be included in my briefing book. And the briefing book was for me, not for the members of the committee. If they were to ask me a question about that matter at the time or at the hearing they could have asked me the question.

Mr. BARR. Somebody used—if somebody had in mind a common sense notion of what a briefing book is and that is to place those items that are important for a person testifying before Congress, that is not the way you would use a briefing book?

Mr. LINDSAY. No.

Mr. BARR. The only thing that would be in a briefing book in preparation for preparing you to speak to a committee are things that you don't know?

Mr. LINDSAY. Things I don't know, essentially or very, very detailed information, numerical data, things like that that I may receive questions about so I could respond to the questions to the committee.

Mr. BARR. There were bullet items in there on things that you did know like Y2K?

Mr. LINDSAY. The Y2K issue is, as you can imagine—

Mr. BARR. It's there because it was important.

Mr. LINDSAY. It was there because it was a vast issue. It involved—

Mr. BARR. An important issue?

Mr. LINDSAY. That also, sir.

Mr. BARR. It was an important issue.

Mr. LINDSAY. That also.

Mr. BARR. The MAIL2 problem wasn't there?

Mr. LINDSAY. Because I already knew about it, sir.

Mr. BARR. I believe it was also your testimony when you testified before Mr. Kolbe's subcommittee you never even brought the MAIL2 problem to his attention?

Mr. LINDSAY. No, I didn't. Mr. Kolbe asked me most questions about Y2K and my opening statement and most of the discussion was about Y2K.

Mr. BARR. So Mr. Kolbe just didn't ask the right questions?

Mr. LINDSAY. No, I had talked with people on the committee about reconstruction issues in the past or at the course of the relationship that I had with the committee. The issue of the day was getting the resources and they had expressed very significant concerns about us providing the appropriate justification for receiving the resources that we needed to get. I knew that if I was unsuccessful in getting those resources, I would fail in my mission to get the resources to help.

Mr. BARR. The best way to get them would be just to not bring it up?

Mr. LINDSAY. No. I did bring up the Y2K issue. That's why I talked about it.

Mr. BARR. I'm talking about the MAIL2 issue, not the Y2K. The MAIL2 issue was not brought up?

Mr. LINDSAY. No, it was not brought up.

Mr. BARR. It was specifically deleted?

Mr. LINDSAY. No, it was not specifically deleted from any kind of—

Mr. BARR. It was inadvertently deleted?

Mr. LINDSAY. No, it was not deleted from any topic for discussion. It was removed from the briefing book which contained information for which I was not familiar. Primarily for detailed information which I didn't have a specific recollection, I would have to refresh my recollection and I could use as a reference.

Mr. BARR. You're saying you were familiar with the MAIL2 problem?

Mr. LINDSAY. Very much so.

Mr. BARR. And you have also testified that it was an important issue; its resolution was an important issue?

Mr. LINDSAY. It was an important archival issue, not as important as receiving resources for Y2K and answering the other questions of the committee. They had—

Mr. BARR. It was not an important issue to assure compliance with lawful subpoenas, it was important only for archival issues? Now we're splitting that hair?

Mr. LINDSAY. Of course compliance with lawful subpoenas is very important, but that was not the issue that was before me then and that wasn't the issue that was in question there. At least that wasn't my—

Mr. BARR. That's right. Your definition of resolving the issue meant only to the technical question of resolving the issue from that point forward?

Mr. LINDSAY. In this particular instance, the e-mail issue was an archival issue and a technical issue of resolving a glitch. It didn't relate at that time in my thinking to production of documents or subpoenas.

Mr. BARR. Bottom line is you didn't bring it up, even though you're trying to convince us that you thought this was an important issue and you wanted something done with it and it was a high priority with you. But you didn't even take advantage of an excellent opportunity before the chairman of the subcommittee that had authority to basically provide funds?

Mr. BURTON. Mr. Shays.

Mr. LINDSAY. I don't agree with the characterization of my testimony, sir.

Mr. BARR. I'm sure you don't.

Mr. BURTON. Mr. Shays.

Mr. SHAYS. I was not going to jump in here but this is bizarre as can be. You're basically telling us you had a presentation to be made before the Appropriations Committee. Did you present all the items in the document?

Mr. LINDSAY. All what items in the document?

Mr. SHAYS. All the items that were in this document.

Mr. LINDSAY. What document is that, sir?

Mr. SHAYS. 134, exhibit 134. I think it's 5 pages, isn't it? Take your time.

Mr. LINDSAY. OK. What was your question, sir?

Mr. SHAYS. Are you familiar with this document?

Mr. LINDSAY. I have seen it before.

Mr. SHAYS. This is the—this was your preparation document before the Appropriations Committee?

Mr. LINDSAY. This document I have seen after the hearing fairly recently. The information that actually ended up in my briefing book I did not do a comparison to see if this is exactly the same.

Mr. SHAYS. So you're going to tell me and the committee that this is a document that was prepared for your briefing and you don't really remember seeing it or not but you can speak with such certainty about the fact that one thing was taken off because you knew about that really well. Did you know about the MAIL2 reconstruction better than you knew about all the other items in this document? I want you to take the time to look at the document. So all the other items you knew less about than the MAIL2 document?

Mr. LINDSAY. Some of them, yes, because they're specific numbers associated with matters. But let me make this very, very clear. The document that was actually included in my briefing book was not this document.

Mr. SHAYS. I understand. I understand. No, I'm just trying to understand something.

Mr. LINDSAY. And I don't know what other deletions may have been made from this document, from the document that actually ended up in my briefing book.

Mr. SHAYS. See, what's difficult for me just being this common nonlawyer, what's difficult for me is in the course of your day here you knew very little about this problem with the MAIL2 and you didn't have documents but you said you knew so much about it you didn't need information about it in your briefing. You did. You didn't need information about it in your briefing, which would imply that you knew more about that than any of the other items here and I think that's simply not true. I think you know more

about some of these items than the MAIL2. So it makes me begin to get more interested in what I consider are very evasive answers which you would think are not evasive. Tell me an item here that you knew better than the MAIL2 problem.

Mr. LINDSAY. There were several issues associated with why we need to get Y2K issues and why we need to get funds for it that I was more familiar with which I didn't include in the briefing book because those are things that I was very familiar with. The issue—

Mr. SHAYS. Don't talk so quickly here. You were more familiar with what?

Mr. LINDSAY. For example, the impact on people of not getting the resources in a timely fashion. That is something that was very, very important to me. The fact that the—we were facing delays—

Mr. SHAYS. I'm not dealing with important now. I am dealing with a simple question of what you knew more about or what you knew less about. Your only justification for why this was crossed off, your only justification was that you knew so much about it you didn't need to have it in your briefing book. I think that's absurd. And I prepare briefing books for myself and what happens in a briefing book, you put all the items you intend to speak about. And it tells you where you're going to fit in and what you're going to talk about, what you're not going to talk about. So you're telling me you knew so much about the problem of the MAIL2 problem that you didn't need it in your briefing book. But we have struggled to get you to tell us even basic things about what you knew about MAIL2. I am asking this question. Are you telling me that you didn't know about method ITT, that you didn't know about IS&T leadership, and therefore you needed that in there. You didn't know about mission critical system highlights. You didn't know about all these other things and those need to be in there but MAIL2 problem, no, you knew about that so that didn't need to be in there. Is that what you're saying?

Mr. LINDSAY. No, I'm not saying that.

Mr. SHAYS. OK. So why don't you give me another story then.

Mr. LINDSAY. The briefing book, obviously I used the briefing book differently than you use your briefing book. I was using it to address not only those issues that were important but those issues where I needed to have cues, either verbal cues or information cues, for me to provide testimony and to respond to the questions which were most likely to come up at the hearing. Y2K issues were issues that I was informed by the members of the committee were certainly going to be issues that were going to come up at the hearing. Therefore, I would go into greater detail in my briefing book for what information was included.

Mr. SHAYS. So the real answer then is since we didn't know about the MAIL2 problem you weren't going to be asked about it, no point in having it in your book?

Mr. LINDSAY. No, sir.

Mr. SHAYS. Did we know about the problem?

Mr. LINDSAY. I don't know, sir.

Mr. SHAYS. Why would we know about the problem? You guys didn't tell anybody.

Mr. LINDSAY. There were lots of—I had discussions with Northrop Grumman, I got a letter from someone in Kentucky who works for Northrop Grumman about the matter. There are lots of people——

Mr. SHAYS. Let's be clear. Who did you talk about? Who?

Mr. LINDSAY. It's not that I talked about it, it's just the record is replete with examples of people within the Office of Administration and people on the outside of Office of Administration.

Mr. SHAYS. Anybody in Congress?

Mr. LINDSAY. Not to my knowledge.

Mr. SHAYS. So don't tell us that we would know in Congress. That's a little disingenuous.

Mr. LINDSAY. I cannot testify as to what Members of Congress knew.

Mr. SHAYS. No. The people at Northrop worked for you, they didn't work for us. They were your employees. It was your system, you knew about the system, we didn't. At least give us that. With all the other things you can be, don't be disingenuous you thinking that we already knew. Please don't do that.

Mr. LINDSAY. Northrop Grumman was not my employee.

Mr. SHAYS. Whose employee were they?

Mr. LINDSAY. They were contractors. Independent contractors.

Mr. SHAYS. Contractors to the White House or to the Congress. Who were they contractors to?

Mr. LINDSAY. To the White House.

Mr. SHAYS. OK. They are your contractors. They're not your paid employees. They are working for you, not Congress. I'm just asking at least give us this, don't suggest now that you thought we knew about this problem. That's really being disingenuous.

Mr. BURTON. The gentleman's time has expired. Unless members have further questions of this panel, we will bid them adio. I would like to leave them with, and I hope they take a look at these memos from Mr. Barry and others, talking about how critical it was to get to the bottom of this as quickly as possible and nothing happened. But if there is no more questions of this panel we will thank you for your patience and your testimony. And to answering the questions that you did answer. And we'll let you go and we'll come back in about 10 minutes and get to the next panel.

Mr. RUFF. Mr. Chairman, I just have one question. I want to be sure that I don't take this home accidentally. A member of the staff appears to have left a campaign button in our briefing book here and I just—whoever it belongs to can pick it up. I'll leave it right here for them.

Mr. BURTON. That's right. Thank you very much. It's not mine, I don't think. We stand in recess.

[Recess.]

Mr. BURTON. I've been informed that the button to which Mr. Ruff alluded was not left by any Member of Congress but by somebody in the audience and that it had some lewd material in it and the person who put the button on the desk has been asked to leave the room. So that problem is solved. The committee will reconvene.

Thank you, Ms. Nolan, for being here. Mr. Nionakis, thank you. Would you please stand and be sworn?

[Witnesses sworn.]

**STATEMENTS OF BETH NOLAN, CHIEF COUNSEL TO THE
PRESIDENT; AND DIMITRI NIONAKIS, ASSOCIATE COUNSEL
TO THE PRESIDENT**

Mr. BURTON. Be seated. Mr. Nionakis, we wanted to have you here today. We're not disappointed that the chief counsel of the President, Ms. Nolan, is with us, but you're the person that we really wanted to talk to. So do you have an opening statement you would like to make?

Mr. NIONAKIS. I do not, sir.

Mr. BURTON. OK. Just 1 second.

I think we'll start off, without objection from Mr. Shays, with the counsel doing the questioning in accordance with the rules passed by the committee today. So counsel.

Mr. WILSON. Mr. Nionakis, good afternoon.

Mr. NIONAKIS. Good afternoon, Mr. Wilson.

Mr. WILSON. Ms. Nolan.

Ms. NOLAN. Mr. Wilson, good afternoon.

Mr. WILSON. Thank you very much for the—I'm glad that we could resolve ultimately the differences we had and thank you very much for the calls we had last night. There are a few things that I wanted to cover and I'll try and give you a sense of where I'm going before I get there just so as to try and be as direct as possible.

One of the things we talked to the previous panel about was a test that was conducted to ultimately determine whether there was a problem that had ramifications for document production. Now, one of the things that we have been told is that after the problem was discovered in June 1998, the e-mail problem was discovered in June 1998, there were contacts with the White House counsel's office, and ultimately some type of test was conducted to determine something. And we're not quite sure what because it's been difficult for us. And I'm not sure, Mr. Nionakis or Ms. Nolan, whether you have any knowledge about this but this is one of the things that we're trying to determine. What we want to find out is whether the White House did a thorough job and made a fair assessment of whether there were any documents that should or should not have been produced. So let's just start with the threshold question. When did you first become aware of the—and I'll use the shorthand. It's the MAIL2 user problem but I'll just call it the e-mail problem. That's what we're going to be talking about for the next 45 minutes or hour or so—but when did you first become aware of the e-mail problem?

Mr. NIONAKIS. It was about February 2000 of this year.

Mr. WILSON. You had no knowledge at all of the problem prior to news accounts, is that fair to say?

Mr. NIONAKIS. I believe it was either news accounts or from people with whom I work, working on those matters that are reported in those news accounts on or about February 2000, yes.

Mr. WILSON. OK. That may well eliminate some questions. Mr. Ruff had indicated that you may or may not have been involved in some of the initial searches or some of the initial considerations of the e-mail problem. I'll eliminate a lot of questions by asking you the very simple, very simple one. Do you know what the search

terms were that were used in 1998 after the e-mail problem was discovered when the White House was conducting a test?

Mr. NIONAKIS. Mr. Wilson, I was not involved in that search and I am unaware of what those search terms were.

Mr. WILSON. I will move completely away from that. We received some documents from the White House a couple of days ago that were initially designated subject to a privilege. I wanted to ask you about one of those documents. If you would, there's a book in front of you, an exhibit book. If you could turn please to exhibit 144. Hopefully it's been added to your book because it was just put in last night.

Mr. NIONAKIS. I have it in front of me.

Mr. WILSON. If you could just take a moment and look at that, please. These are handwritten notes. The document is marked E 4459, and at the very top of the page it has a name Jason Baron and a telephone number, which we have come to learn is in Vancouver, Canada. And the name's of interest to us because we understand that Mr. Baron used to work at the Department of Justice.

Let me start with a threshold question. Have you seen this document before today?

Mr. NIONAKIS. The first time I saw it was when I received it for production.

Mr. WILSON. Do you know who created this handwritten document?

Mr. NIONAKIS. Yes.

Mr. WILSON. Who did create the document?

Mr. NIONAKIS. I believe that handwriting is Jack Young's handwriting.

Mr. WILSON. And Mr. Young I believe is the general counsel of the Office of Administration, is that correct?

Mr. NIONAKIS. One moment, please. I believe that's correct. He's the general counsel of the Office of Administration.

Mr. WILSON. In the privilege log we received—

Mr. NIONAKIS. Excuse me, Mr. Wilson, I want to amplify that. I believe he's on medical leave right now. That's why I was hesitating as to his status.

Mr. WILSON. I appreciate that. I'm not quite sure of his status myself but we don't need to discuss that. With this document a privilege log was produced and the document is described as follows: And I quote from the privilege log produced by counsel's office, handwritten notations of OA general counsel of conversations with Department of Justice attorney regarding issues raised by inquiries related to the White House e-mail system. Do you know who prepared that description.

Mr. NIONAKIS. Yes. I did.

Mr. WILSON. Did you? Is Mr. Baron in fact a Department of Justice attorney.

Mr. NIONAKIS. As I said at the time that I prepared the document, my understanding was that he was a Department of Justice attorney. I just want to point out that the document, the draft log of documents subject to privilege is indeed a draft. It was prepared because we were trying very hard to produce that draft to you with the other documents that we produced last Friday. And I received

these documents the day before I sent that privilege, that draft privilege log up to you. So that is why for a number of reasons why I call it a draft, because it certainly would be subject to any corrections if I obtained more accurate information after that.

Mr. WILSON. I don't have many questions but let me explain where I'm going before I go there and it may be of some assistance to cut the time back. It's our understanding that Mr. Baron was a Department of Justice attorney and was contacted at the time that the MAIL2 problem was first discovered in 1998, individuals from the White House or Office of Administration contacted Mr. Baron. And I'll be perfectly honest, we don't know what his position is at the Department of Justice or even whether he's still there but it's of some concern to us because we have been trying, the committee has been trying to speak with Department of Justice attorneys. And the Department of Justice has advanced their argument that we should not be able to talk to line attorneys and we understand that argument and we are talking to them about that. We're trying to determine whether anybody from the White House in fact contacted Mr. Baron. Do you know whether anybody called Mr. Baron?

Mr. NIONAKIS. I believe Mr. Young did given that—from what I gather from this document I believe he did, but I don't know that anybody else did.

Mr. WILSON. Do these notes represent as far as you can understand, I know you did not create them, do these notes represent notes taken by Mr. Young when he was talking to Mr. Baron?

Mr. NIONAKIS. I would not know. I think you would have to ask Mr. Young that question.

Mr. WILSON. Do you know if anybody else has had any contacts about Mr. Baron?

Mr. NIONAKIS. Not to my knowledge, no.

Mr. WILSON. I mean obviously I'm aware that you're an employee of the executive branch and the Department of Justice is also very much a part of the executive branch, but we have a concern and I would like you to help me work through this concern that whereas the committee has requested a special counsel to be appointed in this matter because of a perception that the Department of Justice is on both sides of an issue, the same issue, this e-mail issue, civil division attorneys have been assisting the White House and now there is apparently a campaign financing task force investigation of possible obstruction of justice, we're trying to determine whether the White House has actually been talking to Department of Justice attorneys and getting advice or assistance contemporaneously. Do you know when these notes were created?

Mr. NIONAKIS. I do not.

Mr. WILSON. Well, we appreciate that we can ask Mr. Young some of these questions. If you would, in your book——

Mr. BURTON. Does Mr. Young work with you?

Mr. NIONAKIS. Mr. Young works in the Office of Administration. He's the general counsel for that office. I work in the White House counsel's office.

Mr. BURTON. So you don't have direct contact with him on a regular basis?

Mr. NIONAKIS. I have contact with him but since he has gone on medical leave I have not had direct contact with him.

Mr. BURTON. I see. Did you talk to him about this note?

Mr. NIONAKIS. I did not talk to him about this document, no.

Mr. BURTON. So you didn't have any knowledge of whether or not he talked to Mr. Baron directly?

Mr. NIONAKIS. It's my understanding—excuse me. Are you asking about Mr. Baron or Mr. Young?

Mr. BURTON. Yes. Did you have any knowledge whether he talked to Mr. Baron, Mr. Young?

Mr. NIONAKIS. I believe at one point Mr. Young told me that he did speak to Mr. Baron.

Mr. BURTON. Do you know the contents of that conversation, did he tell you anything about it?

Mr. NIONAKIS. I believe that the subject matter was that—and this is to the best of my recollection—that Mr. Baron had provided some assistance regarding I think it was an Armstrong issue. And he called him up about that. But again, my recollection is very foggy on that and I do not know exactly what that conversation was about.

Mr. BURTON. But you don't know of any other content of that conversation other than you think he may have talked to him about the Armstrong?

Mr. NIONAKIS. I do not recall any other content of that conversation.

Mr. WILSON. If you could, in the book in front of you, please take a look at exhibit 60.

Mr. NIONAKIS. 60?

Mr. WILSON. Yes. And that's a letter from yourself to a member of our staff Andre Hollis, who's a senior counsel on this committee. It's a letter about searches conducted by the White House for documents related to the Waco tragedy. If you take just a moment and at least refresh your recollection. Now, I just wanted to—

Mr. NIONAKIS. I'm sorry, one moment.

Mr. WILSON. Sure.

Mr. NIONAKIS. OK.

Mr. WILSON. I really just want to direct your attention to one representation made in the letter. Toward the end the paragraph that begins before the numbered points, you note that the—actually that's not what I'm looking at, the final sentence I believe is the EOP believes that this search sufficiently covered the scope of the committee's subpoena. Now, given that you've just indicated that you only learned about the e-mail problem this year, can you tell us whether you believe that this—is this statement still accurate or is this statement not accurate?

Mr. NIONAKIS. First of all, I would like to say that I had several conversations with Mr. Hollis about the subpoena. I think we reached a reasonable accommodation on this in which we did produce, as the letter states, certain documents. I cannot say one way or the other whether given my awareness of the MAIL2 and letter D errors now that we have indeed provided everything. And of course, we would go back and search those materials as soon as they are available.

Mr. WILSON. That's what I'm getting at. If you have the opportunity now you would do that search and that would be—that would enable you to make a representation that you had looked in

all of the places that might be relevant to this document production?

Mr. NIONAKIS. We would certainly look there, yes.

Mr. WILSON. Yeah. That's not to say there's anything there, but it's a place to look. And this letter does stand for something that we discussed in the previous panel. It's very important to note that here this is a situation where you did come to an accommodation with us, and we mutually agreed that there were certain things that did not need to be produced and it was embodied in the letter and we appreciate those conversations.

Mr. NIONAKIS. As do I, Mr. Wilson. I think you and I have had many discussions, we have had many differences but I think we've reached many, many agreements on previous occasions about documents and productions and so forth.

Mr. WILSON. Once the White House learned about the MAIL2 problem, have there been any discussions that you've been privy to where individuals have suggested that bodies that have sought documents such as ourselves should be officially notified that searches that have been conducted in the past may not be complete?

Mr. NIONAKIS. I believe our office has attempted to notify those bodies and certainly respond to any inquiries from those bodies.

Mr. WILSON. I mean, I'm looking more for something formal. We obviously know there have been lots of newspaper articles and discussion in various venues but one of the things that I don't think we have to this day is any type of certification that there may be places that you should look for documents. And I'm being—you know, I'm dancing around this—that would be the e-mails that are under consideration. There does not appear to be a sort of an official statement that there may be places that you do need to look. Perhaps this is something that could be provided to us.

Ms. NOLAN. Mr. Wilson, if I may interrupt for a second since I think you're asking for something from our office. What is it that you would like us to provide to you?

Mr. WILSON. Well, just as in the past we received certifications that to the best of your knowledge documents have been produced, though we have to live in the framework of statements made by White House counsel and others about what's going on here, it would be helpful to us to have some type of official recognition that there are materials or there are at least documents that need to be searched for responsiveness. That's obviously not a representation that there's anything there but at least a representation that there are documents that need to be searched for responsiveness and I guess that's a request that we're making of you now. And we can discuss that later.

Ms. NOLAN. Certainly, Mr. Wilson. I just want you to know that one of the things we've been doing is going back to collect all previous investigative requests and identify for ourselves what requests might have covered the MAIL2 or letter D problems and identify those so that we can then know, have the entire universe of searches that need to be done and we would certainly notify this committee and other investigative bodies once we've completed that list.

Mr. WILSON. This may not be the time or place to have this exchange but is there a current plan to prioritize searches that the White House counsel's office has developed?

Ms. NOLAN. Our plan is to work in coordination with the relevant investigative bodies to come up with a list of priorities.

Mr. WILSON. OK. I only ask that because that process has not yet begun.

Ms. NOLAN. My understanding is that some people have made some initial identification of what they think would want to be done. But we've been quite clear that we cannot set priorities until it's done through the counsel's office with the investigative bodies.

Mr. WILSON. That sounds somewhat like an elective process. It sounds like your putting the ball in our court to now provide—

Ms. NOLAN. No. No. No. We will notify when we're ready to make those priorities so that you can participate in those discussions. I'm not expecting you to think you need to come forward.

Mr. BURTON. Mr. Nionakis, you said, I think, that you didn't know about the e-mail problem or were not made aware of it until when, February of this year?

Mr. NIONAKIS. 2000, yes sir.

Mr. BURTON. How long have you been the White House counsel's office?

Mr. NIONAKIS. Since early March 1997.

Mr. BURTON. 1997. And you worked closely with Ms. Mills and Mr. Ruff?

Mr. NIONAKIS. They were my superiors, yes.

Mr. BURTON. You never heard anything about the e-mails or knew anything before the problem until February of this year?

Mr. NIONAKIS. That's correct, sir.

Mr. WILSON. Ms. Nolan, I would just like to followup on something that we discussed at the last hearing and this is one reason it's very helpful for you to have returned. You indicated to us that you would investigate the e-mail matter and I'm wondering whether you've made any inquiries as to what the search terms were that were used back in 1998 when the problem was first discovered.

Ms. NOLAN. Mr. Wilson, I do not know what the search terms were. I've not been able to identify them. We were able to locate the materials and provide them to the independent counsel, who now has them and is finishing that investigation, conducting that investigation.

Mr. WILSON. Is it fair to say that you have gone to all of the relevant places and asked all of the relevant people and they've simply been unable to identify what the search terms from 1998 were?

Ms. NOLAN. I have not been able to identify who asked for the search to be done or what the search terms were and I've—I or my staff have asked I think everyone we could think of.

Mr. WILSON. Now, if we can just turn for a moment to the privilege log that was produced and I know that Mr. Nionakis made a representation that it was a draft log, but one of the difficulties we confronted and it's been an ongoing concern of ours over the past 2 years—

Ms. NOLAN. I'm sorry, Mr. Wilson, do we have the privilege log here?

Mr. WILSON. I can provide you a copy. I'm not sure if it's an exhibit. I didn't want it in the book. If you could wait just one moment we'll have a copy brought down to you.

I looked down. Did you get the copy of the privilege log. They disappeared. Ms. Nolan, while we're waiting one of the questions I was going to ask at the end was whether or not the Department of Justice has interviewed either yourself or members of your staff. Have interviews been conducted of your staff?

Ms. NOLAN. I have met with the Department of Justice regarding this matter. They've not interviewed me. And they have requested interviews of certain members of the staff. And I believe my staff is coordinating with them to make those available. I don't know which ones have been accomplished yet.

Mr. WILSON. So those will take place at some point in the not too distant future?

Ms. NOLAN. You would have to ask the Department of Justice when they'll take place but the ones that have been requested are being set up, yes.

Mr. WILSON. If we could hopefully now—do you have a copy of the privilege log? If you take just a moment and look at that.

Ms. NOLAN. Sure.

Mr. WILSON. I'm not going to ask any detailed questions. I just want to ask about the subject of executive privilege claim. In my experience claims of executive privilege are quite extraordinary. I know that President Ford made one such claim, President Carter made one executive privilege claim. President Reagan made 3 claims, President Bush made 1 claim, President Clinton has made 14 claims. Now, this stands for the proposition that it's quite rare to claim executive privilege.

And I guess what I'm looking at here, having looked at these documents that have been submitted to us and I know that privilege was not claimed for them, but they were withheld from us subject to privilege initially. Many of these documents don't appear to come even close, remotely close to qualifying for executive privilege status. For example, there was what appears to be a handwritten note by the counsel, not even White House counsel but the Office of Administration counsel, about a document that was discussed at our previous hearing and the extent of the document is not great as it has the document number and a few other words on it. And it's—I'll characterize this but it's obviously vexing to us to see documents like that put under a subject of executive privilege claim. From our perspective it would be easier just to get those documents with a little bit less difficulty. My question, and I'm rambling here, but my question is did the White House have any consultation with the Department of Justice before it submitted the privilege log to us?

Ms. NOLAN. We did not have consultation with the Department of Justice before we submitted the privilege log. I should tell you that the normal process here which I'm aware of from my time in government service starting in 1981 at the Justice Department is that agency general counsels normally make initial determinations about what they think may be subject to privilege. They then engage in discussions and what is the constitutional accommodation process with the relevant congressional committee.

And when at the point at which accommodation may not be succeeding the Department of Justice is often then brought there to determine whether there should be in fact a formal assertion of executive privilege. So this was at the very start of the process, not a place where we normally would engage the Department of Justice unless we had some peculiar issues.

And I would disagree with your characterization here. What these were were attorney work product either in preparation for this investigation or after the matter was discovered and the lawyers knew that there would be such an investigation. These weren't documents about the discovery of the MAIL2 problem at the time. They were in fact the documents of the lawyers preparing for an investigation, classic attorney/client or attorney work product as subsumed in executive privilege for the executive branch, the kind of thing that is routinely put on a privilege log and then discussed with the committee in which the executive's interest in keeping those documents confidential is balanced against the committee's legitimate needs to receive the information.

Mr. WILSON. I understand your concerns. I do understand the valid concerns of attorney work product or attorney/client privilege aspects but executive privilege claims should be made sparingly and we would take them with a great deal of seriousness and from our perspective it appears that there's a cheapening of the executive privilege claim when there's almost a blanket referral to all documents as potentially subject to executive privilege.

Now I understand from your answer you can extrapolate all documents that go to executive privilege ultimately but it appears that some of these didn't come close to a serious claim of executive privilege.

Ms. NOLAN. I completely disagree, Mr. Wilson. First of all, these were 7 documents out of over 4,000 that I believe we've provided to you. So the place where I had concern was where the executive might be in the position of revealing not information about the committee's quite appropriate area of inquiry, but instead information about how the executive was preparing to respond to the investigation. That that would get into micro management, into the internal deliberations of the executive branch, that that is exactly the kind of thing that calls for a discussion between the committee and the relevant executive agency, in this case the White House and the Office of the Counsel to the President. That's exactly what this does. This log is an invitation to talk. And that's what we wanted to do.

Mr. WILSON. We appreciate that. I don't dispute what you say there. I just have one very brief subject left and that is documents that have been produced to us, some of the witnesses we have talked to have indicated that they have received sets of documents in advance of interviews or appearances here before this committee. And I'm wondering whether you know of documents being produced to any potential witnesses, any type of potential witness in this e-mail matter.

Ms. NOLAN. You know, I certainly saw documents before I came up and testified. I don't know if that's what you mean but I certainly saw some of the documents that our office had produced or had discovered as part of my investigation. I'm not—

Mr. WILSON. Let me take that a little bit further. Do you know of any documents being produced to anybody who was not an employee of the White House?

Ms. NOLAN. I don't think so, but you might be able to refresh my recollection. That's—you know, I can't think of a specific example now.

Mr. WILSON. If you can't you can't. I understand that.

Ms. NOLAN. It may be that some former employees were provided information.

Mr. WILSON. That's what I'm driving at actually. I'm driving at former employees and not necessarily the White House but the Office of Administration. Do you know whether any former employees of either the White House or the Office of Administration were provided with any documents by the White House?

Ms. NOLAN. I don't believe I know that that was the case, no. I can't think of any such examples. The only reason I'm hesitating, Mr. Wilson, is it would not surprise me if a former employee was provided with one of his or her own documents, something like that. I don't know if that happened but I think I would not take particular note of it. So I might have learned of it.

Mr. WILSON. I understand. Nor would we, I believe. But it's our understanding that much wider categories of documents you know, many of the documents we've been looking at are e-mails and it appears to us that documents that may be other people's e-mails to other individuals have been provided to potential witnesses in anticipation of their either interview or testimony before us.

And my simple question would be, would that be inappropriate to provide information that was not germane to that particular person, say somebody else's private e-mails. We got them because we subpoenaed them but what I'm asking you and I'll ask both of you would it be appropriate to provide an e-mail that party A sent to party B to person C, would that be inappropriate for the White House or the Office of Administration to do that?

Ms. NOLAN. Mr. Wilson, I think you would have to see the specific example. It would depend on whether somebody had authorized it, it might depend on whether it was something the person had probably previously seen but didn't have a copy of. So I don't know that I can answer the question in the abstract.

Mr. BURTON. Counsel, our time has expired. The ranking minority member, Mr. Waxman, is recognized for 30 minutes.

Mr. WAXMAN. Thank you, Mr. Chairman. I want to start off with two points: One, how accommodating this White House has been in trying to get documents to this committee that have been requested, even documents for which I think there's an argument that there is no reason for you to have to turn them over. I must say I agree that executive privilege ought to be used sparingly but there are times when documents ought not to be turned over to Congress appropriately, whether it's deliberations with the President and his staff or people within the executive branch. I don't think that ought to be made public. I don't think that ought to be turned over to the Congress. I don't want that to be used as an excuse to refuse to turn over documents and it seems to me you have not made that excuse. You've been very forthcoming in getting information to us.

And the second point I want to make is we just had a half hour of questions from our committee counsel of you that could have been asked without having you come down here for a hearing. There was nothing that was asked that I don't believe couldn't have been discussed and resolved in a conversation on the phone. Yet you had to drop everything that you're doing to be here to answer these questions. And I just would hope that in the future the majority would try to work things out through discussions and mutual accommodations than to have your schedule disrupted, all of the members—well, there aren't that many but those members that are here and the press, and there aren't many of them either, have to take all the time to be here to go through this whole issue.

I want to contrast what is happening here with what I experienced when I chaired a subcommittee and we had the Bush administration in power. I was very involved in environmental issues. And in the environmental area the law was often written to require the Environmental Protection Agency as the agency in charge to write the appropriate regulations. They had to do it pursuant to the Administrative Act, the Administrative Procedure Act. They had to follow certain protocols, they had to have documents on the record. And then their opinions could be challenged if they didn't have sufficient base in the record for the conclusion they reached. That was the way the law was written, that's the way the law was supposed to work.

Well, there was a group called the Competitiveness Council. And that was an organization that was not in the law at all, it was something that Vice President Quayle had organized. And this Competitiveness Council met with the industries that were affected by regulations. And these industries would lobby Vice President Quayle and his staff to intervene in these deliberations by the Environmental Protection Agency to give the industries a break. They shouldn't have to reduce pollution so much. They shouldn't have to spend money to meet the requirements of the Clean Air Act or other environmental laws. I thought this was an extralegal, if not illegal action on the part of the administration at that time.

We requested documents from the executive branch and we kept on getting stonewalled by them. So I was surprised to hear the counsel talk about the number of times that executive privilege was used by the Bush administration. Maybe they didn't use executive privilege but they stonewalled us every step of the way. They wouldn't even tell us what businesses and industries wrote to them requesting that they intervene with the regulatory agencies. This is obviously no privilege in any way that I could understand it in terms of internal deliberations within the White House. But they wouldn't even give us that information.

And yet you're now being asked and have complied with information that regards the internal deliberations of the White House counsel's office.

So I think it is quite remarkable to compare any criticism of your office where you sometimes draw a line and say there are some things that need not and should not be turned over to Congress, compared to the Bush administration where they drew that line very, very broadly and I think misused their powers.

Now, you were here, I guess, 3 or 4 weeks ago on this whole issue of the data base so—how many hours were you here; do you recall?

Ms. NOLAN. I think it was about 6.

Mr. WAXMAN. Six hours.

Ms. NOLAN. Well, I had lunch.

Mr. WAXMAN. Your day had to be devoted basically to being here answering questions. In addition to that, you had to review all of the information in preparation for it, and I am sure after you left, you had a huge headache which required at least a couple of hours to get over before you went back to work. There will probably be some time for all of the things that you didn't do that day as part of your job as the White House counsel, because basically that is what this hearing is all about.

These series of hearings are to criticize people in the White House counsel's office for not having paid enough attention to one issue that wasn't really that visible at that time when they were dealing with so many other issues before them.

I want to start by asking you again this Mail2 reconstruction process, it is an issue over which there is some confusion. The chairman has accused the White House of trying to delay the reconstruction of the Mail2 e-mails until after the election in November. He stated that the White House was trying to, quote, run out the clock.

Ms. Nolan, do you think that accusation is accurate?

Ms. NOLAN. I do not.

Mr. WAXMAN. Why not?

Ms. NOLAN. We have spent—since coming to understand the Mail2 and letter D problem, we have spent a huge number of hours to try to resolve the problem. We are working very hard at getting the problem resolved. I have attended meetings with the Office of Administration and contractors. It is very unusual for the White House counsel to be talking to contractors to the Office of Administration, but I have gone to those meetings to make sure that everybody understands what a high priority this is, how important it is that we think creatively about ways to get it resolved.

If we could get these e-mails searched tomorrow, I would be thrilled about it.

Mr. WAXMAN. When do you anticipate that we will be getting these e-mails before our committee?

Ms. NOLAN. What I have been told is that we can start to expect to do searches next month, and we will do that on a rolling basis.

Mr. WAXMAN. Mr. Lindsay testified today that decisions about what materials will be produced first will be made by the White House counsel's office in consultation with our committee and other investigative bodies; is that an accurate statement?

Ms. NOLAN. That is absolutely accurate.

Mr. WAXMAN. So you are going to produce these e-mails and going back over the whole data base and pulling out the e-mails, and you will give them to our committee and the other investigators, and you are even going to take into consideration what we consider or what the majority and minority consider the highest priority for e-mail information?

Ms. NOLAN. We will identify what tapes should be searched first, and we will make that determination in concert with the relevant investigative bodies.

Now, I understand that those bodies may have disputes about what they want to have searched first. This is a situation where I think we will accommodate whatever agreement can be reached by the investigative bodies. I don't have a particular interest in which one it is so much as I have an interest in making sure that we are able to get those things that people identify as the highest priorities searched first.

Mr. WAXMAN. I wanted to know if there are any e-mails on Monica Lewinsky because I don't think that the Starr report went into enough detail for me. I think there is more for us to know; and once we know it, we will certainly have enough information on Monica Lewinsky.

That was sarcasm.

Ms. Nolan, I understand that Mr. Burton sought the appearance of one of your staff members, Mr. Nionakis, who is here, to explain decisions made by your office regarding the production of certain items requested by the committee. I also understand that you attempted to reach Mr. Burton and his staff to discuss this request. Is that accurate?

Ms. NOLAN. Yes, that is correct, and I want to say, Mr. Waxman, that Mr. Wilson and I were able to speak last night several times, including once late in the evening. He was able to confer with the chairman this morning, and in those conversations I said that if there were going to be questions about our office's decisions regarding privilege or production of documents, that I as the counsel wanted to answer that rather than have one of my associate counsels answer those questions since those are decisions of the counsel's office and decision of the counsel.

Mr. Wilson and the chairman accommodated that request. We had some misunderstanding about whether we were going to be able to speak; but once we did, they accommodated that request, and that is why I am here.

Mr. WAXMAN. I am very pleased to hear that, and I want to commend the chairman for reaching that understanding. It is only reasonable if someone wants to question the decision I made, I don't want them subpoenaing my staff people that gave me differing points of view. They ought to question me as to how I decided and why I decided. Otherwise people work for you, and they give you different opinions, they are going to feel intimidated about giving you their best judgment if they think that you have to go through all of the deliberative process of everyone that works for you having to come before the Congress and testify under oath as to what they said and their perspective. Is that—

Ms. NOLAN. That is exactly right.

Mr. WAXMAN. I appreciate that the chairman was sensitive to it, and I am sorry that it took until last night. Maybe if you had a further opportunity, you would not have had to come here at all, because what we really needed was for you to have a chance to talk to each other and clarify these issues.

Ms. NOLAN. I think Mr. Wilson and I agreed, and I hope that he conveyed this to the chairman, that I hope these are the kinds of

conversations that we will be able to continue having whenever necessary before we get involved in calling people up to testify. I think we will be able to do that and work together.

Mr. WAXMAN. I am glad you made that point, and I think it is very forthcoming on your part, and I am pleased to hear that they responded in the conversation last night. May this be the beginning of a wonderful relationship. And let's do our jobs in a professional manner, but to have you come back 3 weeks after you spent 6 hours here to answer questions which could have been answered in a telephone conversation strikes me as an unfortunate waste of your time and ours. Our time is all being paid for by the taxpayers, and they ought to feel that their money is not being wasted.

In a May 3 letter to the chairman, you expressed concern about this issue, and I would like to have that letter in the record. I think there was a May 3—May 2 and May 3 letter to the chairman, and perhaps his letters to you all ought to be part of this hearing record.

Mr. Chairman, if you have no objection, I would like to ask unanimous consent.

Mr. BURTON. Without objection.

[The information referred to follows:]

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THE WHITE HOUSE
WASHINGTON

May 3, 2000

BY FACSIMILE AND MAIL

The Honorable Dan Burton
Chairman
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Mr. Chairman:

Two days ago, on Monday, May 1, you sent a letter to Dimitri Nionakis, Associate Counsel to the President, objecting to two determinations made by this Office regarding your subpoena of March 9, 2000. You indicated that you intended to call Mr. Nionakis to testify to explain those decisions.

After reviewing your letter, I telephoned you on both Monday and Tuesday and, when I was unable to reach you, I called your Chief Counsel, Jim Wilson, also with no success. Although I could have insisted on our rights on this matter, I instead decided to provide the material you sought. I did this to accommodate the Committee and in the hope that we could avoid expending government resources on a protracted dispute.

You now have the materials that you sought. Nonetheless, our effort at conciliation has been met with no similar effort on your Committee's part. Your Chief Counsel has stated that the Committee now seeks Mr. Nionakis's testimony to explain the decisions about producing the materials provided yesterday, and to address other compliance issues.

You seek to invade the internal deliberations of the Office of the Counsel to the President by compelled testimony, without making any effort to address your concerns in a manner that is less intrusive. If, whenever your staff disagrees with one of

The Honorable Dan Burton
May 3, 2000, page 2

our decisions, our lawyers are compelled to testify about internal deliberations regarding those decisions, our lawyers cannot do the jobs assigned them. Disagreements about these issues have historically been addressed - and resolved - through conversations between our staffs and, if necessary, conversations between the Chairman and the Counsel. As then-Assistant Attorney General William P. Barr wrote in 1989:


The process of accommodation requires that each branch explain to the other why it believes its needs to be legitimate. Without such an explanation, it may be difficult or impossible to assess the needs of one branch and relate them to those of the other. At the same time, requiring such an explanation imposes no great burden on either branch. If either branch has a reason for needing to obtain or withhold information, it should be able to express it.

Memorandum Opinion for the General Counsel's Consultative Group from William P. Barr, Assistant Attorney General, Office of Legal Counsel, 13 Op. OLC 153, 159 (1989).

As I stated in my letter to your counsel Mr. Wilson yesterday, if the Committee has issues that it cannot satisfactorily resolve with discussions between our staffs - including your desire to obtain Mr. Nionakis's testimony - the questions should be directed to me. I request the opportunity to speak with you about these matters at a mutually convenient time, so that we can explain our interests to each other and seek a mutually acceptable solution.

I continue to hope that we can work amicably.

Sincerely,



Beth Nolan
Counsel to the President

cc: The Honorable Henry Waxman

Mr. WAXMAN. Your May 3 letter noted that there historically has been a view that accommodation is an important part of this process of inquiries between branches of government. Your understanding is consistent with that of the previous administration's. As your letter noted, in 1989, then Assistant Attorney General William Barr stated, and I want to quote your quote of his quote—Mr. Barr, the Attorney General, said, the process of accommodation requires that each branch explain to the other why it believe its needs to be legitimate. Without such an explanation, it may be difficult or impossible to assess the needs of one branch and relate them to those of the others. At the same time requiring such an explanation imposes no great burden on either branch. If either branch has a reason for needing to obtain or withhold information, it should be able to express it.

Ms. Nolan, do you believe that this committee has allowed the White House's counsel office with appropriate opportunity to express its reason for recent requests from this committee?

Ms. NOLAN. Mr. Waxman, I was trying to do that over the past several days. I was frustrated that I did not feel that we were engaging in the accommodation process. I think we had a very helpful conversation with Mr. Wilson last night, and I think we have come to an agreement which I hope we will have a beautiful relationship in which we will engage in the accommodation process when we have concerns.

I understand, and I am sure this committee agrees with me, that there are going to be great disagreements about some matters, and they will be disagreements that sometimes may be quite vigorous, but I think as long as we are forthcoming about them, identify, as we did in this privilege log, what documents we are concerned about and talk about, I hope that we can reach a resolution, as we did here.

Both of the documents on the privilege log and the other set of material, the e-mails that have been requested, I did provide. When I hadn't been able to reach the chairman or Mr. Wilson, I decided to just go ahead and send them on Tuesday. So they have been provided to the committee, so we are now simply talking about a log that really no longer—it is a draft that never became a final because we ended up providing the documents.

Mr. WAXMAN. There are legitimate differences between the branches, and those things need to be worked out and discussed. There are differences between the political parties, but we ought to try to find out if there are places for accommodations. And if there are disagreements, it doesn't mean that one side is disloyal to this country and the other side is true blue American. We have differences of opinion by people who both love this country and support its Constitution and its institutions.

And I haven't heard very often praise from the other side of the aisle, praise of what any Democrat has said, but I want to praise what a Republican has said, and that is Mr. Barr. And I disagreed with him a lot when he was a Republican Attorney General during the Bush administration. I disagreed with him on a lot of issues, but I think his position, as you quoted him, expresses the basis for the two branches trying to understand each other. If one branch wants some information, we ought to be able to, if it is us, to ex-

plain why we feel we need it. And if the executive branch feels that there is some reason that you shouldn't give it, you ought to be able to explain that, and we will work through the process if it comes to a confrontation. But I don't see the need for constant partisan confrontation. I think we could be spending our time in so much more of a productive way.

I was so impressed by Cheryl Mills' statement to this committee this morning. I would recommend the text of it to you if you have an opportunity in your spare time to read it, because what she said to us in a very heartfelt way is that there are problems. And this committee which has jurisdiction for oversight and investigations on any problem facing this Nation could be looking into some of these real problems, and we have spent so much of our time in partisan—partisan kind of fights, investigations that are one-sided.

This committee had a campaign finance investigation. Did we look into abuses of campaign finance laws by Democrats and Republicans? No, it was an investigation of presumed abuses by Democrats, some of which were real, and it was only about Democrats. Does anyone believe that campaign laws are only abused by Democrats? And yet this committee refused to even look at those allegations of concern where Republicans may have stepped out of bounds.

I think we are all moving to better a situation because yesterday the chairman agreed with us and made accommodations that we are going to get the Justice Department 302s in some of those Republican campaign finance issues where they did some interviews with people who may well have something to—something to say that may be relevant on the accusations about Republican campaign finance abuses.

But there are so many other problems we ought to be dealing with. I am at the point where I would be welcoming this committee to look at Elian Gonzalez, because we have had four hearings on this issue, and we have about exhausted it. Maybe we will have more. I would like us to look at the high prices of prescription drugs that the elderly pay because Medicare doesn't pay for it. I would like us to look at environmental problems, some of which I think cause the high rate of cancer in this country. I would like us to look to see if there is an innovative way that we can improve the education system in this country so we can educate our children to compete in a new global economy. I would like to look at international problems to see if we can make this a safer planet and reach out to other countries to give incentives for people to try to find areas of agreement internationally.

I think there is a whole plethora of issues that we could be talking about, but what we have done in four hearings is we took a data base system that the White House contracted to have created to capture the e-mails in order to archive them for historical purposes, and after that contract was let out for these archiving of the e-mails and retrieval of them to be archived, it turned out that the contractor ended up making some technical mistake, and some e-mails were not being captured. When it was discovered, people moved to correct that problem, and it was corrected prospectively.

Now the issue that we are faced with in four hearings so far was whether there were lost e-mails retroactively. It appears that the

White House counsel's office thought that all of the e-mails that the investigators who wanted e-mails were turned over to them because there are other ways to get the e-mails off the individual computers as well as the centralized system, and that may not have been the case. But to assume that it is a conspiracy and obstruction of justice, perjury and all of the others things thrown so loosely around this committee, everyone else is guilty of a crime if there is some mistake made, can't help but lead to an exacerbation of the problems between the branches and between the parties, and it has kept us from looking at areas where we could be together dealing with the real concerns of the American people.

You have been here for a number of hours, and I see that Mr. Shays is ready to ask you more questions, as is appropriate under the rules. We may have other questions as well. We will ask all of the questions that anybody might want to ask you of you, and I hope in the future the spirit in which you undertook conversations with the majority on our committee last night will lead to ways to get to the basic information we want without disturbing everybody's schedule and wasting our time and wasting taxpayers' money so we can get to the information, get to it in the most efficient possible way and find out if there is wrongdoing.

If there is wrongdoing, I don't care if it is Democratic or Republican wrongdoing, if there is a criminal violation, it should be prosecuted. If somebody makes an accusation and it turns out to be wrong, they should apologize. We should let the truth speak for itself and not simply go from one accusation to another.

Obviously I have taken a lot of my time because each side is given a half hour. I don't have anything else to ask you. I am going to yield back the balance of my time. I hope that at some point we can conclude this hearing that has gone on far longer than I think is necessary.

Mr. BURTON. Mr. Shays.

Mr. SHAYS. I know that is encouragement on your part, the gentleman from California not to ask questions, but I haven't asked questions of this panel yet.

Mr. WAXMAN. That is not the case.

Mr. SHAYS. It sounded that way. I guess I misinterpreted it.

Ms. Nolan, I am curious why you are here today. Why did you feel that you needed and wanted to be here?

Ms. NOLAN. Mr. Shays, my understanding was that the committee wanted to ask questions about the office's decision to put items on a privilege log or its interpretations of the subpoena. Those are decisions of the counsel's office and of the counsel, and my understanding also is that the past practice has been when similar questions were put to associate counsel by this or other committees, Mr. Ruff had sat and answered those questions rather than having the associate counsels do that. I asked for the same treatment, and the chairman granted it.

Mr. SHAYS. Just for the record, you are here because you wanted to be here?

Ms. NOLAN. I am here voluntarily.

Mr. SHAYS. We did not ask you to be here?

Ms. NOLAN. That is absolutely correct. What you did, do, however, was ask someone who I did not think should be asked to ap-

pear here to answer those questions. I tried to reach an accommodation with the committee about getting the right person to answer the questions.

Mr. SHAYS. I don't want Mr. Waxman or anyone else to suggest that we asked you to come again. Frankly, you made it clear to us that you started in September last year?

Ms. NOLAN. That's correct.

Mr. SHAYS. So all of the questions about what happened in June 1998, you were basically telling us that you knew nothing about it.

Ms. NOLAN. No, I came to answer those questions about the privilege that we discussed.

Mr. SHAYS. I understand. I am just explaining to you.

Mr. Nionakis, you have worked in the White House since when?

Mr. NIONAKIS. Since March 1997.

Mr. SHAYS. You were sworn in, correct?

Mr. NIONAKIS. That's correct.

Mr. SHAYS. The reason you are sworn is because then you have a legal obligation to tell the truth; is that correct?

Mr. NIONAKIS. That's correct.

Mr. SHAYS. So if we picked up the phone and said, by the way, did you happen to get any—for instance, did you see this document that talked about the 246,000 e-mails that slipped by under the Mail2 problem, you could have said, no, I don't know anything about it, it would be a meaningless statement under law if we did it by phone; isn't that correct? Or whatever you said by phone, it would have no legal standing, would it?

Mr. NIONAKIS. I would try and answer honestly and accurately.

Mr. SHAYS. I respect that, but the point is this is an investigation in which we need to swear you in. Unfortunately, you are here because we needed to swear you in. When you said that you didn't know anything about this problem until February of this year, you did it under oath?

Mr. NIONAKIS. That's correct.

Mr. SHAYS. That is why you are here. We had questions that had you answered differently, and we had no way of knowing under oath how you would have answered, we would have asked you other questions. That is why you are here, and it doesn't take a rocket scientist to know that.

You also wrote a puzzling letter to the committee, and I think you know what letter it is. It is the letter of April 28, exhibit 139. Maybe there is an answer for it, but it sure puzzles me. I will give you time to look at that letter. It is from you, I believe, and it is addressed to our counsel, James Wilson.

[Exhibit 139 follows:]

BY HAND

Dear Mr. Wilson:

Enclosed please find responsive materials bearing document control numbers E 4237-441. Also enclosed please find a draft log of documents subject to privilege. The documents produced and identified today comprise the remainder of the responsive materials that the EOP has located to date. If we become aware of additional responsive materials, however, we will produce them promptly.

The general language of the subpoena calls for all documents relating to the "Mail2" programming error. The Lewinsky related e-mails, while gathered after the "Mail2" error was 'discovered, are unrelated to that error. They were gathered in response to a subpoena request from the Office of Independent Counsel Starr, and therefore pertain to a distinct matter by a different investigative body. As such, they are not relevant to the Committee's inquiry. Indeed, during a recent telephone conversation that we had, you represented that the Committee had no intention of inquiring into the Executive Office of the President's compliance with subpoenas from other investigative bodies. These materials fall squarely within that category, and thus we do not understand the Committee's need for these documents.

Finally, with respect to the Committee's request for documents related to Ellicott Machine Corporation, as I explained to David Kass a couple of weeks ago, we are currently addressing numerous requests for materials from different investigative bodies. These many requests have




James Wilson
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Page 2

overextended our resources. Consequently, I told Mr. Kass that we needed to complete the production of the March 9 subpoena before turning to the March 16 subpoena, which contains this request. We anticipate producing documents in response to the Ellicott Machine request on a rolling basis starting the week of May 8.

If you have any questions, please call me at 202-456-5814.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dimitri J. Nionakis".

Dimitri J. Nionakis
Associate Counsel to the President

cc: Beth Nolan, Counsel to the President
Minority Counsel, Committee on Government Reform

Mr. NIONAKIS. OK.

Mr. SHAYS. Would you read out loud paragraph 4 for us.

Mr. NIONAKIS. "The general language of the subpoena calls for all documents relating to the 'Mail2' programming error. The Lewinsky related e-mails, while gathered after the 'Mail2' error was discovered, are unrelated to that error. They were gathered in response to a subpoena request from the Office of Independent Counsel Starr, and therefore pertain to a distinct matter by a different investigative body."

Mr. SHAYS. What did you mean when you said, "The Lewinsky related e-mails, while gathered after the 'Mail2' error was discovered, are unrelated to that error?" What do you mean by that?

Mr. NIONAKIS. I will defer that question to Ms. Nolan.

Mr. SHAYS. I am happy to have you defer it, but this letter is from you. We will let Ms. Nolan answer it, but could you explain to me what you meant when you wrote the letter? I don't want to know what Ms. Nolan meant, I want to know what you meant.

Ms. NOLAN. Mr. Chairman, I believe this is exactly the kind of question with respect to what our office's position was with respect to these documents that we agreed could be answered by me.

Mr. SHAYS. Could I say I am happy to have you answer it, but could I have Mr. Nionakis answer it because he wrote the letter and let you qualify it or change it. Is that a problem?

Ms. NOLAN. I believe what we agreed to, and I explained to Mr. Wilson—

Mr. SHAYS. I will go with the agreement. Let's go with the agreement.

Mr. NIONAKIS. Mr. Nionakis, did you write this letter?

Mr. BURTON. Excuse me. I think Mr. Wilson has indicated that it is not his understanding—

Mr. SHAYS. I can live with it. Did you write this letter?

Mr. NIONAKIS. I drafted it.

Mr. SHAYS. So this is your letter?

Mr. NIONAKIS. No, I drafted it, and other people reviewed it.

Mr. SHAYS. And did you sign it, or did other people sign it?

Mr. NIONAKIS. I signed it on behalf of the office.

Mr. SHAYS. So you wrote it, you let other people look at it, and then you signed it, and yet we will have other people answer. I am happy to have you answer, Ms. Nolan.

Ms. NOLAN. Thank you, Mr. Shays.

The e-mails that were produced were simply the contents of e-mails that had been sent between Monica Lewinsky and someone in the EOP. They reveal nothing about, show nothing about the Mail2 problem; and moreover, when I was here last, the chairman himself indicated that he intended to issue a subpoena for those documents. He had never done so. He never informed me that he believed that the preexisting subpoena called for them, and the first we had heard of that was a voice mail left by Mr. Wilson last week that said, and we consider these e-mails to be covered by the subpoena.

The view that our office took was that they weren't covered by the subpoena; in fact, that the chairman wouldn't have indicated he intended to subpoena them if he thought that they were covered then. So we wrote that we did not believe that they were covered

by the subpoena. Instead of getting a phone call, getting a question, asking for discussion about it, Mr. Nionakis got a letter from the chairman saying, I am going to subpoena you.

Mr. SHAYS. Mr. Nionakis, in the letter that you wrote and drafted and signed, you said that these Lewinsky e-mails were unrelated to the error. Would you explain to me why they are not directly related to the error?

Ms. NOLAN. Mr. Shays, we just explained what our office's view was about why they weren't related.

Mr. SHAYS. You didn't say whether they related to the committee.

Ms. NOLAN. Related to the error. They are e-mails that have nothing to do with the error. They are not about the search. They are simply e-mails the contents of which reveal nothing by themselves.

Mr. SHAYS. So these e-mails are in no way related to the search that was done afterwards?

Ms. NOLAN. It was our view that they were not called for by the subpoena.

Mr. SHAYS. You all want to get into legalistic terms. I just want to know the truth.

Ms. NOLAN. There is not necessarily a difference, sir.

Mr. SHAYS. Maybe there won't be, and maybe in the end I will agree with you, but I don't want you to confuse me in the process.

After the White House learned that there was a Mail2 problem, Mr. Nionakis, when you all learned that—and he was here before you, Ms. Nolan—when you all learned that, evidently you made a test to see how big a problem it was. Were any of these e-mails related to that test?

Mr. NIONAKIS. I did not participate in that search.

Mr. SHAYS. You know now, though. Were they related?

Ms. NOLAN. Those were the e-mails, Mr. Shays, that were uncovered. They don't reveal anything about the Mail2 problem.

Mr. SHAYS. Wait a second. Maybe you are right about this, but we just had testimony that in order to see how serious this problem was, we did a test, and the test was with Ms. Lewinsky, and that satisfied us that there wasn't a problem. Are these those e-mails? It is a yes or no.

Ms. NOLAN. Those are the e-mails, I believe, that were produced and checked.

Mr. SHAYS. That's all. That's all. We just wanted to see the e-mails related to the test. And they are very related to the subject of this hearing about the e-mails. And the committee wants to know what you tested and what you found. How can you say that they are not related to the test and not related to the work of this committee?

Ms. NOLAN. Mr. Shays, the independent counsel is reviewing what was produced against that list. I don't think having those e-mails enables the committee to make that determination. But in any event—and I believe, as I said, that the chairman had indicated his determination that they weren't covered by the previous subpoena. But, in any event, I determined that the committee could ask for them and that rather than have a dispute about it, I would just provide them. So on Friday we notified the committee that we

did not consider them covered, and on Tuesday we provided them to the committee.

Mr. SHAYS. I know Mr. Waxman thinks you cooperate, but to me this is like a ridiculous game. The committee has learned of hundreds of thousands of e-mails that have been lost. That is what we learned. And we wanted to know, one, how it happened, and we are pretty satisfied it was an accident. We also learned that it took another 5 months to fix, so the problem got worse before it got better. We also learned that nobody in the White House notified us, and then we wanted to know who knew what when. And everybody has their own little compartmentalized story. And then we get a letter that basically says these are unrelated to the error in Mail2, and they are totally related.

Mr. Nionakis, you may have drafted the letter, and maybe somebody has to answer for you, but it just blows my mind that you would have said that.

Mr. BURTON. The gentleman's time has expired.

Mr. Waxman.

Mr. WAXMAN. I am puzzled because Mr. Shays is asking Mr. Nionakis about these letters and these e-mails, and you are arguing about whether they are related or not related. Why didn't you give them to the committee?

Ms. NOLAN. We provided them to the committee. We gave them on Tuesday.

Mr. WAXMAN. So we now have the e-mails?

Ms. NOLAN. You now have the e-mails and the ZIP disk.

Mr. WAXMAN. So we can read those e-mails?

Ms. NOLAN. Yes.

Mr. WAXMAN. And we will probably make them part of the record. Maybe they are already part of the record. That I will leave up to the chairman.

Mr. BURTON. Would the gentleman yield?

Mr. WAXMAN. Certainly.

Mr. BURTON. We have no interest in the Lewinsky matter, only the e-mail problem, so there is no reason to make them part of the record.

Mr. WAXMAN. I would dispute you on that.

So the question is that you wrote this letter, Mr. Nionakis, and said that the general language for the subpoena calls for all documents relating to the Mail2 programming error. The Lewinsky e-mails, while gathered after the Mail2 error was discovered, are unrelated to that error. You can argue that one forever, but the essential point is that we got the e-mails, and we can make our own decision.

Ms. NOLAN. I think that is right, Mr. Waxman, and I think there are two different views about whether they were called for or not.

I made a determination to accede to the committee's view that they were called for without having a dispute about whether a new subpoena was called for and provided them, and the committee has them. I am not sure what else to say about them.

Mr. WAXMAN. I don't know what else to say about them either. If you hadn't given them to us, then there is a lot to talk about, whether you should have given them, whether you are withholding information, whether it is part of a cover-up, whether you are con-

fronting Congress irresponsibly, whether we have a different point of view than you do on executive; but that has nothing to do with anything. Whether you think that we are entitled to it or not, you decided to give it to us?

Ms. NOLAN. That's right.

Mr. WAXMAN. And we have got them?

Ms. NOLAN. You have got them.

Mr. WAXMAN. That is good enough for me. I yield back the balance of my time.

Mr. SHAYS. Mr. Chairman.

Mr. BURTON. Mr. Shays.

Mr. SHAYS. Mr. Ruff's staff thought they revealed that there was—you basically said that they revealed nothing, they showed nothing about the Mail2 program; and Mr. Ruff was telling us that having done this, he revealed there was no problem, at least he thought it was taken care of. So he thought that these Lewinsky e-mails showed that there really wasn't a problem, and you are saying they reveal nothing about the problem.

Ms. NOLAN. Sir, I think they will reveal something to the Office of the Independent Counsel who has jurisdiction over this matter to compare what was produced to them with that group of e-mails.

I think the e-mails by themselves reveal nothing about the Mail2 problem, provide no information to the committee. These are just Monica Lewinsky e-mails.

Mr. SHAYS. But it was the basis, was it not, for the White House making a determination that they had tested the Mail2 problem and found that there was no problem? Isn't that true?

Ms. NOLAN. That is my understanding. But the e-mails themselves, which is what was called for, I don't think reveal anything about the Mail2 problem.

Mr. SHAYS. Thank you.

Mr. BURTON. Well, I think we have come to the end of the road.

Mr. NIONAKIS. Mr. Chairman, 1 minute, please.

Mr. BURTON. Go ahead.

Let me just say that Mr. Waxman has complained about the failure of the Bush administration to cooperate. I want to get that part of the record straight. They claimed executive privilege once, and the Clinton administration has claimed it 14 times in the last 5 years, so that at least is in the record.

I appreciate your statement of cooperation, Ms. Nolan, and I would just like to say to Mr. Nionakis, I recall when you worked with Mr. Ruff, you were in my office, and we were talking, I think, back in 1997 when I assumed the Chair of this committee. I believe we were talking about getting documents from the White House at that time, and you were part of the staff that Mr. Ruff brought with him to my office; is that correct?

Mr. NIONAKIS. That's correct.

Mr. BURTON. You appeared to be one of the people that Mr. Ruff had a great deal of confidence and were one of his confidants. I am not saying that you have misled us, but that is why I find it difficult to believe that being a member of his staff and the subsequent counsel staffs, that you would not be aware of the e-mail problem when it came about. And you are saying that you didn't know about it until February of this year, and that kind of mys-

tifies me because of your close association with Mr. Ruff and his—and Ms. Nolan and Ms. Mills.

Mr. NIONAKIS. I understand, Mr. Chairman, but to the best of my knowledge, the first time I ever heard about this problem, the e-mail problem, was February 2000.

Mr. BURTON. Let me just followup on that.

Mr. NIONAKIS. Yes, sir.

Mr. BURTON. Can you categorically say—and not to the best of your knowledge, because do you know how many times I have heard “to the best of my knowledge” and “I can’t recall” and “I am not sure”? I mean, the selective memory loss of people before this committee—I’m not saying you—is just legion, so I would like you to be more definitive.

Can you say categorically that you did not know about the e-mail problem until February of this year?

Mr. NIONAKIS. One moment, please.

Mr. Chairman, I do not recall ever hearing about the e-mail problem prior to February 2000. I cannot categorically say I never did. If there is something—if you understand otherwise, I would be happy for you to bring it to my attention.

Mr. BURTON. That’s all right. I just want to say in the finest tradition of the Clinton administration, we are getting the same answers that we have gotten from the beginning. Let me thank you.

Mr. NIONAKIS. Excuse me, may I amplify one other answer? You asked about conversations with DOJ attorneys, and I am sure that this committee is well aware that obviously our office speaks to members of the Campaign Finance Task Force and their investigation, and they are a DOJ entity, as well as members of the Civil Division who represent us on various litigation matters where this issue has come up. So those conversations obviously occur, and those people are DOJ lawyers.

Mr. BURTON. I am glad you mentioned that because as we close, that makes another strong argument for a special counsel to review this whole issue, because you have got the Criminal Division of Justice on one side and the Civil Division on the other side, and how two divisions of the same Justice Department can conduct an investigation like that is beyond me. That’s why once again I believe we should have a special counsel to review that whole matter. I appreciate you being here today.

Ms. Nolan, I appreciate the olive branch that you have extended to Mr. Wilson and myself. We will try to work with you in a way that is accommodating to you, but we do want to get the facts when we need them, and hopefully that will occur.

If there are no further comments or questions, we stand adjourned.

[Whereupon, at 5:05 p.m., the committee was adjourned.]

[Additional information submitted for the hearing record follows:]

DRAFT

June 19, 1998

MEMORANDUM FOR JOHN D. PODESTA
ASSISTANT TO THE PRESIDENT AND
DEPUTY CHIEF OF STAFF

FROM: VIRGINIA M. APPUZO
ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

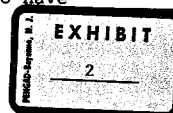
SUBJECT: Technical Anomaly in Automated
E-Mail Records Management System

The Automated Records Management System (ARMS) is an information technology system designed to provide a comprehensive archive of e-mail sent and/or received within the Executive Office of the President (EOP). The main utility of the system is to provide a central e-mail repository with search and retrieval capability which ensures proper record keeping. An important function the system supports is the identification and retrieval of documents in response to information requests.

This memorandum is to advise you of an anomaly in the system involving the Mail2 server, which primarily supports the White House Office (WHO) and the Office of Policy Development (OPD). In identifying which messages to save from Mail2, the ARMS system was designed to recognize user identifications with an electronic "stamp" which reads "Mail2". However, when user identifications for WHO and OPD were entered into the system, the majority were hand-keyed using all capital letters as "MAIL2". Because ARMS was not programmed to recognize the all capital version, messages in certain categories for these Mail2 users have not been captured by or transferred to ARMS. These omitted types of e-mail include:

- Incoming Internet e-mail
- Delivery Reports (confirmation notification messages)
- Non-delivery reports (failure delivery messages)
- Return receipts
- Return non-receipts (return receipt failures)
- Trace reports (e-mail routing information)

For all other categories of e-mail, including outgoing Internet e-mail and e-mail between EOP users, the system appears to have functioned as intended.



E 1116

THE WHITE HOUSE
WASHINGTON

June 19, 1998

Check - 4/19.
it sent this
over to John
this afternoon
gig

MEMORANDUM FOR JOHN D. PODESTA
ASSISTANT TO THE PRESIDENT AND
DEPUTY CHIEF OF STAFF

FROM: VIRGINIA M. APUZZO *[Signature]*
ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

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This memorandum is to advise you of an anomaly in the system involving the Mail2 server, which primarily supports the day-to-day e-mail traffic of the White House Office (WHO) and the Office of Policy Development (OPD). In identifying which messages to save from Mail2, the ARMS system was designed to recognize user identifications with an electronic "stamp" which reads "Mail2". However, when user identifications for WHO and OPD were entered into the system, the majority were hand-keyed using all capital letters as "MAIL2". Because ARMS was not programmed to recognize the all capital version, messages in certain categories for these Mail2 users have not been captured by or transferred to ARMS. These omitted types of e-mail include:

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E 3373

For all other categories of e-mail, including outgoing Internet e-mail and e-mail between EOP users, the system appears to have functioned as intended. Thus, e-mails in these categories (other than those which were specifically identified by EOP senders as non-records) have been preserved.

The Office of Administration (OA) is working to identify a means to repair the problem, and to preserve as many previously uncaptured messages as possible. I will keep you informed of our progress.

THE WHITE HOUSE
WASHINGTON

June 19, 1998

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E 3375

*Copy
Please ask
Mayer to
brief me
on this
Thanks
John*

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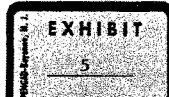
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E 3235

*Con'ty
Please note
return to
Brief me
and bring
Thanks
John*

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DRAFT 3/7/2000 2:32 PM
PRIVILEGED AND CONFIDENTIAL

Talking Points
March 7, 2000
E-mails

Technical Errors

- Q: Did the White House fail to comply with subpoena requests by hiding relevant information from the independent counsel's office and two congressional committees?
- A: No. We make a good faith effort to comply with the hundreds of subpoena requests we've received. We've worked with many investigative bodies to provide them with the information they need. And as the American public knows, we've spent a huge amount of time and money doing that.
- Q: Why weren't these e-mails searched?
- A: We can't say for sure that they weren't searched.
- Q: Then what happened?
- A: Incoming e-mails to certain individual users weren't recorded in the ^{Central} system that we search when we respond to subpoena requests. ~~They weren't~~
- Q: Why?
- A: Because of two technical errors.
- Q: What happened?
- A: At two different times, Northrop-Grumman, an outside private contractor, miscoded certain users on the server. Because of these errors, the incoming e-mails sent to them weren't recorded in "ARMS," which is where computer records are stored and searched.

[ADD BACKGROUND DETAILS?]

- Q: What kinds of e-mails were affected?



E 3387

A: First of all, no documents of any kind created by EOP personnel were affected. Only incoming e-mails to certain White House Office personnel weren't recorded.

[Background: If the White House Office recipient forwarded the e-mail to someone else, then it would have been recorded. Also, if the White House Office recipient replied attaching the original incoming e-mail, it would have been recorded.]

Q: How many individuals were affected?

A: The first error affected 526 individual users, mostly White House Office personnel. The second error affected about 200 users, all whose first names begin with the letter "D." ✓

[ADD BACKGROUND DETAILS?]

Q: What time period?

A: The first error affected only incoming e-mails from August 1996 to November 1998. The second error affected only incoming e-mails from November 1998 to May 1999.

Affect on Searches to Respond to Subpoena Requests

Q: So, have these problems affected your searches for information in response to subpoena requests?

A: Well, we know that they haven't affected any e-mails or documents created by White House personnel. We do know, however, that because of these errors, incoming e-mails to certain users weren't stored in ARMS for a certain time period. We are still trying to see if these errors had any effect on the searches that we did to respond to subpoena requests. ✓

Q: But if you didn't search these e-mails, you haven't really complied with all subpoena requests?

A: That isn't really accurate. When we search for responsive materials, in addition to the ARMS search, all individual users are told to search their own computer records. So, a search should have covered everything on the server at that time, including any undeleted incoming e-mails.

Q: What if they were deleted before the search of the server?

A: Then it would be the same as someone tossing out a piece paper they didn't need anymore.

Q: Did you search the server to see if they're still there?

A: As we've told congressional committees and independent counsel, the server can only be searched manually, and we don't have the time or the funds to perform manual searches for every subpoena request. ?
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Q: If they're not on the server, are they lost forever?

A: Not necessarily. Several times a day, a backup tape is made of the server. So, incoming e-mails that were on the server when a backup tape was made should still be on that tape. Also, when JS&T also made additional backup tapes of the server in November 1998 and May 1999 to preserve any affected incoming e-mails. ?
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Restoration of E-mails

Q: So, has anyone ever reviewed these e-mails?

A: No one has reviewed all of these e-mails.

Q: Why not?

A: We'd have to manually search all of the backup tapes, and we don't have the funds or time to do it.

Q: But what about the allegation that these e-mails contain information relevant to the Lewinsky, campaign finance, and other investigations?

A: As I said, we haven't reviewed the backup tapes, so we don't know if any new responsive information is on them.

Q: Do you know how many affected e-mails are on these tapes?

A: Again, we don't know how many e-mails were affected because we haven't searched the backup tapes.

Q: Are you going to redo all of these searches?

A: Remember, we only search ARMS, not the server or the backup tapes. Redoing those searches of ARMS will produce nothing new for that time period because ARMS didn't record the incoming e-mails in the first place.

Q: How about searching the backup tapes?

A: The backup tapes can't be searched using keywords, which is how we search ARMS.

Q: Is there any way to make the backup tapes searchable?

A: Back in 1998, OA asked Northrop-Grumman for an estimate just to study the problem. Northrop-Grumman said it would cost \$600,000. At that time, OA did not have the funds to do it. Also, OA's resources were focused on addressing possible Y2K problems.

Q: Did OA ever get an estimate for what it would cost to restore all the incoming e-mails?

A: It would cost about \$1.5 million and [TIME PERIOD] to inventory and catalogue all of the files on backup tapes. It would then cost another \$8-9 million to restore the e-mails so that they can be searched by keywords.

It would cost about \$500,000 and [TIME PERIOD] to inventory and catalogue the files on the backup tape of all affected White House Office users. Then, it would cost about \$1.5 million and at least a year to reconstruct the e-mails so that they can be searched by keywords.

[CONFIRM NUMBERS]

But even then, these searches may not produce any responsive information that has not already been produced by the White House or by the entity or person that sent the incoming e-mail.

Allegation of Threats

Q: Is it true that N-G employees were told that there was "a jail cell with their name on it" if they disclosed this problem to anyone?

A: We haven't found anything to support this allegation.


Q: What about allegations that N-G employees would lose their jobs if they said anything about it?

A: Again, our review hasn't shown that these kinds of threats were made. Besides, OA does not have the authority to fire employees of an outside contractor.

Q: Was anyone trying to keep it a secret?

A: No one was trying to keep it a secret. But until Office of Administration (OA) personnel fully understood the problem and notified White House senior staff, they did not want people working on it to talk to other people about it. In fact, there is an official memo from the Virginia Apuzzo, head of OA, to John Podesta, Chief of Staff, notifying him of the problem within days of her learning about it.

Discovery and Notification to White House Office

- Q: When did people find out about these errors?
- A: The first error was discovered in June 1998.
- Q: Who discovered it?
- A: Northrop-Grumman people who were performing routine maintenance of the server.
- Q: How did they find out about it?
- A: When they looked at the server, they realized that there were incoming e-mails that had not been recorded.
- Q: What did they do?
- A: They told IS&T personnel, who told OA personnel.
- Q: Were people within the White House Office ever notified about this problem?
- A: Yes. Within a couple of days after OA became aware of the error, Virginia Apuzzo, head of OA sent a memo to Chief of Staff John Podesta explaining the technical nature of the problem. That memo was also copied to then-Counsel to the President Charles Ruff. Mark Lindsay, then-OA General Counsel and acting OA Chief of Staff, also met with Mr. Ruff and told him what he knew about the problem at that time.
- Q: What did they do about it?
- A: This problem came to the Counsel's Office attention during the Lewinsky investigation, so it focused on finding out if the problem affected the Lewinsky-related searches. IS&T checked this by performing a limited manual search of the server to see if there were any new materials.
- Q: What did they find?
- A: The e-mails were duplicates of ones that had been produced before.
- Q: What about other searches?
- A: The Counsel's Office understood that the problem existed in the context of the Lewinsky investigation, and not affecting previous or future searches.
- 

DRAFT 3/7/2000 2:32 PM
PRIVILEGED AND CONFIDENTIAL

Talking Points
March 7, 2000
E-mails

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- [ADD BACKGROUND DETAILS?]
- Q: What kinds of e-mails were affected?



E 3392

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- A: The Counsel's Office understood that the problem existed in the context of the Lewinsky investigation, and not affecting previous or future searches.

DRAFT

TALKING POINTS ON THE MAIL2 SERVER ANOMALY

- The root of the problem stems from a discrepancy between the spelling of the Lotus Notes Server Certificate versus the value of the Server ID entered in the users' Person ID.
- A certificate is an electronic "stamp" attached to a person's User ID by a Notes certifier. When a staff member is registered as a Notes user, his/her User ID must designate the correct certificate in order to access the servers needed for processing by the Automated Records Management System (ARMS).
- MAIL2 vs. Mail2. The Certification ID used to validate user IDs to the Mail2 Lotus Notes server appears to have been created as Mail2 in 8/96. When user IDs were created for Mail2, it appears that automated procedures were not always used. When the Certification ID was hand-keyed into the system, all upper case letters (MAIL2) were used instead of the upper and lower case spelling (Mail2) required to ensure that the person's User ID would be correctly linked to the Mail2 server, and subsequently the ARMS interface process. Because the Certification ID is case-sensitive, the ARMS scanner does not recognize MAIL2 (vs. Mail2) and rejects incoming e-mails to users who have the entry "MAIL2" designated in their Person ID.
- The error affected only incoming Internet e-mail, delivery reports, non-delivery reports, return receipts, return non-receipts, and trace reports.
- We believe that the technical anomaly was first reported to senior management in the Office of Administration in 6/98.
- The problem was immediately investigated and a complete solution was implemented in 11/98.
- The incoming internet e-mails are not lost; they exist on back up tapes, except for a small window of time from 8/96 – 11/97 when, due to a glitch in the backup software, the mail files may not have been backed up on a consistent basis.



E 3240

Note Record Management Problem

During a design meeting it was discovered that there may be a design flaw in the Record Management design in Notes that would allow for certain types of mail document to bypass record management. The problem consist of the ability of the user to delete mail records prior to being record managed by ARMS scan. The type of documents in question are the following: delivery reports, non-delivery reports, return receipts, return non-receipts, trace reports and incoming internet mail. The following are the two facts surrounding the problem: a) the ARMS scan process does not run in real time to record manage the above mentioned mail documents prior to being accessible and subject to purging by the user. And b) a flaw in the record management design in the mail Notes template that makes the above mentioned document available to the user prior to being record managed. In other words, those document should instead have been made hidden until the record management process has completed.

As the above was discovered, we also came to the conclusion that Archiving directly from the mail database would present the same danger to ARMS scan since the Archive process would also delete the source document prior to being record manage, and that is why we believe that the Archiving feature was removed from the design in the first place.

Note: The discovery of this problem was made during a period of down time of the MAIL4 record management database. So, we believe that prior to making any decisions regarding this problem, a timing analysis should be performed on ARMS scan from all servers to determine worst case processing time. In our case, the conditions that allowed deletion existed for a time frame of over two and a half hours.

Meeting Minutes

Tuesday, May 16

On Tuesday, May 16 a meeting was held to discuss issues regarding a design flaw discovered recently in the record management process that would allow for certain types of mail document to bypass record management. The meeting was attended by the following people: Betty Lambuth, John Spriggs, Sandy Golas, Bob Haas, and Yiman Salim. The problem at issue is the purging of mail records, by the user, prior of being record managed. The objective of the meeting was to define the problem, to identify and discuss all issues relating to the problem, and to propose a course of action and possible solutions.

The problem, as stated before, consist of the ability of the user to delete mail record prior to being record managed. The documents at issue are the following: delivery reports, non-delivery reports, return receipts, return non-receipts, trace reports and incoming internet mail. All mail documents such as memo messages or reply messages are record managed by way of the "bcc" field. This method directly mails a copy of the mail message to the ARMS scan Notes database to be archived to the VAX. This method is not subject to the problem at hand.

But, the documents mentioned above, including incoming internet mail, are record managed by way of the ARMS scan process. The ARMS scan process, was discovered, is not running in a timely fashion to record manage document prior to being accessible and subject to purging by the user.

The ARMS scan process looks for a view called (\$Unrecorded), in each person's mail box. This view holds all documents that do not have the \$Tag field. Once scanned, documents in the (\$Unrecorded) view get tagged with a \$Tag field and disappear from the view. The problem occurs when documents are physically deleted by the user before this process occurs.

Some of the issues discussed were the following:

1. Processing inefficiencies in the ARMS scan itself which causes a significant delay in mail record scanning. Currently, an ARMS scan process runs on each individual mail server (Mail1, Mail2, and



Mail3) and scans all mail boxes that reside on that server. The lookup of names take place at the Name and Address book using the ARMS1 through ARMS5 views. These views contain names for all mail servers. The argument is that the process may be wasting time in sorting through these view to find the right documents to process.

2. Design problems with the ARMS scan code itself.
3. A delete document scheme of mail documents.
4. Current Archive process. An issues was brought up with our current method of mail document archiving. Document being archived are being deleted from the mail boxed and therefore may also be bypassing record management.

The following course of action was proposed:

5. Asses the problem. This assessment consists in generating some statistics to quantify the delay of mail scanning on every mail server. The following strategies were suggested:
 - a. Create a dummy user, known to make the ARMS scan fail and display an error message, to find-out the time the ARMS scan process takes to cycles between names.
 - b. Create a view in the ARMS scan database that displays the time differences between the compose time and the scan time and compute and average.
6. Review the ARMS scan code. This task is to gain additional insight on the processing algorithm of ARMS scan.
7. Research the modification of ARMS scan views in the Name and Address Book to make them specific to a mail server.
8. Research a delete scheme that will not physically purge documents until they have been record managed.

Tuesday, May 16

On Tuesday, May 16 a meeting was held to discuss the abnormal execution of the ARMS scan process on the Mail2 mail server. The problem consisted of the ARMS scan process randomly skipping mail boxes on the Mail2 Server. The meeting was attended by the following people: Betty Lambuth, John Spriggs, Sandy Golas, Bob Haas, and Yiman Salim. A random sampling of mail boxes from the Mail2 server was analyzed and was discovered that some of these mail boxes had document that failed to be record managed since as early as 1996. This problem seems to be particular to the Mail2 server. The course of action was to further asses the problem and try to find a pattern to the problem.

29-Jul-98

NOTES SPECIAL PROJECT

Background:

- Discovered during a review of the email ~~data~~ ^{2/12/98} design. Initial concern was the ability of users to delete mail prior to Amrscan running and moving mail to the VAX.
- MAY 16th during investigation of the crms scan process, it was discovered that MAIL2 dbs were not being processed correctly.
- Amrscan code is case sensitive. Find out where code is affected.
- PLAN FOR moving data of MAIL2
 - need count of email in unrecorded and record views before we start.
 - how does this step the current flow of data from MAIL2 id'd users?
- Two plans in file to use agents to modify NAD to reflect proper case of server

cc 1 of 2



Notes Special Project

28-Jul-98

Questions:

- 1) Do ~~the~~ we know where in the Amerscan code we have a problem with case sensitivity?
- 2) Has any testing/development been done on the agents described in the two plans?
- 3) Do we have two plans or two iterations of one plan?
- 4) Plan does not seem to address old/deleted mail. Do we have backup tapes of old mail files? We need to handle day-forward and historical data.

Robert W. Haas
06/12/98 02:21:14 PM

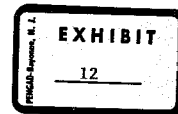
Record Type: Record

To: Betty G. Lambuth/[REDACTED]
cc: Robert W. Haas/[REDACTED] ; Norman F. Salim/[REDACTED]
Subject: ARMS scan processing issues

During a design meeting it was discovered that there may be a design flaw in the Record Management design in Notes that would allow for certain types of mail document to bypass record management. The problem consist of the ability of the user to delete mail records prior to being record managed by ARMS scan. The type of documents in question are the following: delivery reports, non-delivery reports, return receipts, return non-receipts, trace reports and incoming internet mail. The following are the two facts surrounding the problem: a) the ARMS scan process does not run in real time to record manage the above mentioned mail documents prior to being accessible and subject to purging by the user. And b) a flaw in the record management design in the mail Notes template that makes the above mentioned document available to the user prior to being record managed. In other words, those document should instead have been made hidden until records the record management process has completed.

As the above was discovered, we also came to the conclusion that Archiving directly from the mail file would present the same danger to ARMS scan since the Archive process would also delete the source document prior to being record manage, and that is why we believe that the Archiving feature was removed from the design in the first place.

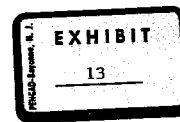
Note: The discovery of this problem was made during a period of down time of the MAIL4 record management database. So, we believe that prior to making any decisions regarding this problem, a timing analysis should be performed on ARMS scan from all servers to determine worse case processing time. In our case, the conditions that allowed deletion existed for a time frame of over two and a half hours.



E 0181

Audit log files from all EOP mail servers (Mail1, Mail2, Mail3, Mail5 and RDS1) prior to fixing the letter "D" problem. These logs show, per user, the number of documents unrecorded and the earliest date documents stopped being recorded.

Yiman Salim
3/14/00



E 0406

Start Mail2 Audit Unrecorded agent at: 05/08/99 08:00:41 AM EDT 00000000

[16]	CN=Mail2/O=EOP	mail-opdjudler	1303	10/23/98
[19]	CN=Mail2/O=EOP	mail-wholdskel	82	4/20/99
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[44]	CN=Mail2/O=EOP	mail-wholdband	802	11/30/98
[58]	CN=Mail2/O=EOP	mail-ceqldbear	200	10/21/98
[59]	CN=Mail2/O=EOP	mail-wholdelenis	1	5/8/99
[65]	CN=Mail2/O=EOP	mail-wholdelisky	1	4/20/99
[66]	CN=Mail2/O=EOP	mail-nscldbenjami	2	4/15/99
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[114]	CN=Mail2/O=EOP	mail-wholdburkhar	388	11/22/98
[127]	CN=Mail2/O=EOP	mail-wholdcano	45	12/8/98
[131]	CN=Mail2/O=EOP	mail-wholdcarroll	96	10/26/98
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[153]	CN=Mail2/O=EOP	mail-wholdclinton	1	12/8/91
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Page 1

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[2201]	CN=MAIL/IO=EOP	mail/dhardy 11	12/31/98
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0000001

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	View not Found.	mail/studentl 'Box Inherit Design from Template' not	
[531]	CN=MAIL1/O=EOP	mail/studentl Error Opening '\$AuditUnrecorded') or	
Checked		mail/studentm 'Box Inherit Design from Template' not	
[531]	CN=MAIL1/O=EOP	mail/studentm Error Opening '\$AuditUnrecorded') or	
	View not Found.	mail/studentn 'Box Inherit Design from Template' not	
[532]	CN=MAIL1/O=EOP	mail/studentn Error Opening '\$AuditUnrecorded') or	
Checked		mail/studento 'Box Inherit Design from Template' not	
[532]	CN=MAIL1/O=EOP	mail/studento Error Opening '\$AuditUnrecorded') or	
	View not Found.	mail/studentp 'Box Inherit Design from Template' not	
[533]	CN=MAIL1/O=EOP	mail/studentp Error Opening '\$AuditUnrecorded') or	
Checked		mail/studentq 'Box Inherit Design from Template' not	
[533]	CN=MAIL1/O=EOP	mail/studentq Error Opening '\$AuditUnrecorded') or	
	View not Found.	mail/studentr 'Box Inherit Design from Template' not	
[534]	CN=MAIL1/O=EOP	mail/studentr Error Opening '\$AuditUnrecorded') or	
Checked		mail/studentt 'Box Inherit Design from Template' not	
[534]	CN=MAIL1/O=EOP	mail/studentt Error Opening '\$AuditUnrecorded') or	
	View not Found.	mail/studentu 'Box Inherit Design from Template' not	
[536]	CN=MAIL1/O=EOP	mail/studentu Error Opening '\$AuditUnrecorded') or	
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[536]	CN=MAIL1/O=EOP	mail/studentv Error Opening '\$AuditUnrecorded') or	
	View not Found.	mail/studentw 'Box Inherit Design from Template' not	
[537]	CN=MAIL1/O=EOP	mail/studentw Error Opening '\$AuditUnrecorded') or	
Checked		mail/studentx 'Box Inherit Design from Template' not	
[537]	CN=MAIL1/O=EOP	mail/studentx Error Opening '\$AuditUnrecorded') or	
	View not Found.	mail/studenty 'Box Inherit Design from Template' not	
[538]	CN=MAIL1/O=EOP	mail/studenty Error Opening '\$AuditUnrecorded') or	
Checked		mail/studentz 'Box Inherit Design from Template' not	
[538]	CN=MAIL1/O=EOP	mail/studentz Error Opening '\$AuditUnrecorded') or	
	View not Found.	mail/studenta 'Box Inherit Design from Template' not	
[539]	CN=MAIL1/O=EOP	mail/studenta Error Opening '\$AuditUnrecorded') or	
Checked		mail/studentb 'Box Inherit Design from Template' not	
[539]	CN=MAIL1/O=EOP	mail/studentb Error Opening '\$AuditUnrecorded') or	
	View not Found.	mail/studentc 'Box Inherit Design from Template' not	
[540]	CN=MAIL1/O=EOP	mail/studentc Error Opening '\$AuditUnrecorded') or	
Checked		mail/studentd 'Box Inherit Design from Template' not	
[540]	CN=MAIL1/O=EOP	mail/studentd Error Opening '\$AuditUnrecorded') or	
	View not Found.	mail/studente 'Box Inherit Design from Template' not	
[542]	CN=MAIL1/O=EOP	mail/studente Error Opening '\$AuditUnrecorded') or	
Checked		mail/studentf 'Box Inherit Design from Template' not	
[542]	CN=MAIL1/O=EOP	mail/studentf Error Opening '\$AuditUnrecorded') or	
	View not Found.	mail/studentg 'Box Inherit Design from Template' not	
[556]	CN=MAIL1/O=EOP	mail/dtormqui 192 10/23/98	
[561]	CN=MAIL1/O=EOP	mail/dtuck 118 10/26/98	
[570]	CN=MAIL1/O=EOP	mail-omb/dvandivi 20 4/28/99	
[601]	CN=MAIL1/O=EOP	mail/dwells 10 10/31/98	
[602]	CN=MAIL1/O=EOP	Mail-omb/pwenger Incorrect Mail Template	
Inheritance EOP_OMB-BAB_R4Mail			
[602]	CN=MAIL1/O=EOP	Mail-omb/pwenger Error Opening	

Page 2

E 0411

Letter "D" Problem

List of active mail accounts on all EOP mail servers as of June 1, 1999. June 1, 1999 was the date when the Lotus Notes mail restoration agents were ran on all servers (Mail1, Mail2, Mail3, Mail5 & RDS1) to fix the Letter "D" problem.

Yiman Salim
3/13/00



Mail Server

Name	Telephone	Company	E-Mail
Aidekman, David		OMB	David Aidekman/
Arbuckle, Donald		OMB	Donald R. Arbuckle/
Benoit, Deborah		OMB	Deborah L. Benoit/
Bernell, David		OMB	David A. Bernell/
Berry, David		OMB	David M. Berry/
Bond, Debra		OMB	Debra J. Bond/
Bray, Denise		OMB	Denise M. Bray/
Chapin, Derek		OMB	Derek A. Chapin/
Chenok, Daniel		OMB	Daniel J. Chenok/
Childs, David		OMB	David C. Childs/
Collins, Debra		OMB	Debra M. Collins/
Comstock, Douglas		OMB	Douglas A. Comstock/
Costello, Daniel		OMB	Daniel W. Costello/
Ermann, Danny		OMB	Danny A. Ermann/
Espinosa, Diana		OMB	Diana Espinosa/
Fleming, Darlene		OMB	Darlene B. Fleming/
Flower Lake, Dana		OMB	Dana L. Flower Lake/
Gallo, Dina		OMB	Dina L. Gallo/
Gayle, Darcel		OMB	Darcel D. Gayle/
Gaymon, Darlene		OMB	Darlene O. Gaymon/
Ham, Dianne		OMB	Dianne M. Ham/
Hardy, Dionne		OMB	Dionne Hardy/
Harmon, David		OMB	David C. Harmon/
Haun, David		OMB	David J. Haun/
Heath, Daniel		OMB	Daniel D. Heath/
Johnson, Darrell		OMB	Darrell A. Johnson/
LaPlaca, Daniel		OMB	Daniel LaPlaca/
Lee, Dee		OMB	Dee Lee/
Mann, Dalton		OMB	Dalton L. Mann/
McCormick, Douglas		OMB	Douglas D. McCormick/

Name	Telephone	Company	E-Mail
Mendelson, Daniel	[REDACTED]	OMB	Daniel N. Mendelson/[REDACTED]
Meredith, Diana	[REDACTED]	OMB	Diana L. Meredith/[REDACTED]
Montgomery, Diane	[REDACTED]	OMB	Diane R. Montgomery/[REDACTED]
Morrison, David	[REDACTED]	OMB	David H. Morrison/[REDACTED]
Motley, Delphine	[REDACTED]	OMB	Delphine C. Motley/[REDACTED]
Muzio, David	[REDACTED]	OMB	David L. Muzio/[REDACTED]
Noble, Desiree	[REDACTED]	OMB	Desiree C. Noble/[REDACTED]
Norwood, Douglas	[REDACTED]	OMB	Douglas A. Norwood/[REDACTED]
Park, Darrell	[REDACTED]	OMB	Darrell Park/[REDACTED]
Pitkin, Douglas	[REDACTED]	OMB	Douglas Pitkin/[REDACTED]
Radzanowski, David	[REDACTED]	OMB	David P. Radzanowski/[REDACTED]
Rivelli, Donna	[REDACTED]	OMB	Donna M. Rivelli/[REDACTED]
Robinson, Donovan	[REDACTED]	OMB	Donovan O. Robinson/[REDACTED]
Rose, David	gone	OMB	David H. Rose/[REDACTED]
Rostker, David	[REDACTED]	OMB	David Rostker/[REDACTED]
Rowe, David	[REDACTED]	OMB	David Rowe/[REDACTED]
Stahlman, David	[REDACTED]	OMB	David Stahlman/[REDACTED]
Stout, Dennis	[REDACTED]	OMB	Dennis L. Stout/[REDACTED]
Tomquist, David	[REDACTED]	OMB	David E. Tomquist/[REDACTED]
Tuck, Donald	[REDACTED]	OMB	Donald L. Tuck/[REDACTED]
Vandivier, David	[REDACTED]	OMB	David Vandivier/[REDACTED]
Wells, Dianne	[REDACTED]	OMB	Dianne M. Wells/[REDACTED]
Werfel, Daniel	[REDACTED]	OMB	Daniel I. Werfel/[REDACTED]
Williams, Debra	[REDACTED]	OMB	Debra L. Williams/[REDACTED]
Wingard, Doris	[REDACTED]	OMB	Doris J. Wingard/[REDACTED]
Zavada, David	[REDACTED]	OMB	David M. Zavada/[REDACTED]

Mail 2 Sewer

Name	Telephone	Company	E-Mail
Addy, Dede		OPD	Dede M. Addy/
Adler, Deborah		OPD	Deborah R. Adler/
Akel, Deborah		WHO	Deborah Akel/
Akers, Dale		NSC	Dale W. Akers/
Alexander, David		WHO	David H. Alexander/
Alexander, Debra		WHO	Debra D. Alexander/
Apoll, Dave		WHO	Dave J. Apoll/
Avery, Dale		NSC	Dale R. Avery/
Band, Douglas		WHO	Douglas J. Band/
Bayley, Douglas		NSC	Douglas Bayley/
Bear, Dinah		CEQ	Dinah Bear/
Belsky, David		WHO	David Belsky/
Benjamin, Daniel		NSC	Daniel S. Benjamin/
Bird, Debra		WHO	Debra D. Bird/
Burkhardt, Daniel		WHO	Daniel W. Burkhardt/
Camp, Donald		NSC	Donald A. Camp/
Cano, Dominique		WHO	Dominique L. Cano/
Carroll, Donna		WHO	Donna K. Carroll/
Chirwa, Dawn		WHO	Dawn M. Chirwa/
Cohen, Delia		WHO	Delia A. Cohen/
DeGuzman Jr, Danilo		WHO	Danilo DeGuzman Jr./
Dejban, Donna		NSC	Donna Dejban/
Diorio, Denise		WHO	Denise M. Diorio/
Donnelly, Diana		WHO	Diana C. Donnelly/
Elmendorf, Douglas		CEA	Douglas W. Elmendorf/
Erdahl, Douglas		NSC	Douglas M. Erdahl/
Forrister, Dirk		WHCCTF	Dirk Forrister/
Goldberg, Diane		WHO	Diane M. Goldberg/
Gomez, Dario		WHO	Dario J. Gomez/
Goodfriend, David		WHO	David R. Goodfriend/

Name	Telephone	Company	E-Mail
Goodwin, Donald		WHO	Donald R. Goodwin/
Gray, Danielle		WHO	Danielle L. Gray/
Halperin, David		NSC	David Halperin/
Hammonds, D Holly		OPD	D Holly Hammonds/
Hicks, David		WHO	David P. Hicks/
Holt, Daniel		WHO	Daniel S. Holt/
Howard, Derek		WHO	Derek V. Howard/
Ho, Deborah		WHO	Deborah Ho/
Jones, Deborah		WHO	Deborah A. Jones/
Kalbaugh, David		WHO	David E. Kalbaugh/
Kale, Dora		NSC	Dora Kale/
Kaplan, Dean		NSC	Dean M. Kaplan/
Lieberson, Donna		NSC	Donna P. Lieberson/
Lieber, David		WHO	David Lieber/
Locke, Dwayne		NSC	Dwayne L. Locke/
Marchick, David		OPD	David M. Marchick/
McGhee, Dougretta		WHO	Dougretta H. McGhee/
Mitchell, Donald		NSC	Donald A. Mitchell/
Mohile, Deborah		WHO	Deborah B. Mohile/
Montoya, Daniel		OPD	Daniel C. Montoya/
Motherway, Daniel		NSC	Daniel J. Motherway/
Nanau, Daniela		WHO	Daniela E. Nanau/
Neslen, David		WHO	David W. Neslen/
Nionakis, Dimitri		WHO	Dimitri J. Nionakis/
Noyce, David		OPD	David V. Noyce/
Parker, Doris		WHO	Doris Parker/
Peacock, Denver		WHO	Denver R. Peacock/
Pearah, David		OPD	David E. Pearah/
Peterman, David		NSC	David B. Peterman/
Peters, Denver		WHO	Denver L. Peters/

Name	Telephone	Company	E-Mail
Premysler, Debra		WHO	Debra Premysler/
Rejeski, David		CEQ	David W. Rejeski/
Roach, Darren		NSC	Darren S. Roach/
Robyn, Dorothy		OPD	Dorothy Robyn/
Rosenthal, Dan		WHO	Dan K. Rosenthal/
Salcido, Dorinda		WHO	Dorinda A. Salcido/
Sanborn, Daniel		NSC	Daniel R. Sanborn/
Sandalow, David		CEQ	David B Sandalow/
Shapiro, Daniel		NSC	Daniel B. Shapiro/
Sherman, David		NSC	David J. Sherman/
Smalls, Dawn		WHO	Dawn L. Smalls/
Smith, Dorothea		WHO	Dorothea S. Smith/
Snyder, Douglas		WHO	Douglas C. Snyder/
Sosnik, Douglas		WHO	Douglas B. Sosnik/
Stone, Diane		WHCCTF	Diane M. Stone/
Strand, Dana		WHO	Dana C. Strand/
Turner, Darryl		WHO	Darryl A. Turner/
Vega, Dag		WHO	Dag Vega/
Weaver, Dorian		WHO	Dorian V. Weaver/
White, David		WHCCTF	David White/
Wippman, David		NSC	David Wippman/
Wood, Debra		WHO	Debra S. Wood/
Woolen, Dawn		WHO	Dawn V. Woolen/

Mail 3 Server

Name	Telephone	Company	E-Mail
Behring, Deanna		OSTP	Deanna M. Behring
Cheatham, David		ONDCP	David T. Cheatham
Coleman, Donna		OSTP	Donna I. Coleman
Dail, Daniel		ONDCP	Daniel H. Dail
Davis, Darlind		ONDCP	Darlind J. Davis
Des Roches, David		ONDCP	David B. Des Roches
Falls, Donald		ONDCP	Donald R. Falls
Greenhouse, Dennis		ONDCP	Dennis E. Greenhouse
Holmes, David		ONDCP	David L. Holmes
Johnson, David		NSC	David T. Johnson
King, David		ONDCP	David King
Leavy, David		NSC	LEAVY_D
Lyman, Daria		ONDCP	Daria B. Lyman
McGovern, Deborah		OSTP	Deborah J. McGovern
Moore, Duncan		OSTP	Duncan T. Moore
Morgan, Daniel		ONDCP	Daniel S. Morgan
Pryor, Donald		OSTP	Donald Pryor
Rader, Daniel		ONDCP	Daniel Rader
Ramsey, Dewitt		OA	Dewitt Ramsey
Rivait, David		ONDCP	David J. Rivait
Schecter, Daniel		ONDCP	Daniel Schecter
Schweiger, Daryl		ONDCP	Daryl J. Schweiger
Shull, David		ONDCP	David A. Shull
Svec, David		OSTP	David C. Svec
Taylor, Dorothea		ONDCP	Dorothea A. Taylor
Thomas, Darryl		ONDCP	Darryl L. Thomas
Vereen, Donald		ONDCP	Donald R. Vereen
Winfield, Darryl		ONDCP	Darryl C. Winfield

Mail 5 Server

Name	Telephone	Company	E-Mail
Abrams, David		OA	David H. Abrams/
Baker, Donna		OA	Donna J. Baker/
Barry, Daniel		OA	Daniel A. Barry/
Breese, David		OA	David L. Breese/
Bronson, Derwin		OA	Derwin Bronson/
Buck, Daniel		OA	Daniel L. Buck/
Chapman, Delores		OA	Delores J. Chapman/
Clarke, Dale		OA	Dale C. Clarke/
Cleal, Dorothy		OA	Dorothy E. Cleal/
Cross, David		OA	David M. Cross/
Crumling, Dorothy		OA	Dorothy Crumling/
Davis, Daniel		OA	Daniel A. Davis/
Des Roche, David		OA	David B Des Roche/
Gomes, Deborah		OA	Deborah W. Gomes/
Johnson, Donald		OA	Donald G. Johnson/
Matties, Douglas		OA	Douglas R. Matties/
Miller, Dale		OA	Dale F. Miller/
Moore, Daniel		OA	Daniel L. Moore/
Pannell, Dorian		OA	Dorian F. Pannell/
Patton, DeVere		OA	DeVere R. Patton/
Peterson, David		OA	David G. Peterson/
Plummer, Donald		OA	Donald J. Plummer/
Pow, Deborah		OA	Deborah J. Pow/
Reid, Debra		OA	Debra R. Reid/
Reid, Demetrius		OA	Demetrius A. Reid/
Smith, Diane		OA	Diane M. Smith/
Tarkir, Dianne		OA	Dianne H. Tarkir/
Vines, Denise		OA	Denise M. Vines/
Washington, Denise		OA	Denise B. Washington/
Weiler, Darryl		OA	Darryl M. Weiler/

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RDSI Server

Name	Telephone	Company	E-Mail
Butler, Darryl		OA	Darryl P. Butler/ [REDACTED]

E 0420

Mail2 Problem

List of active mail accounts on the Mail2 server as of November 22, 1998. November 22, 1998 was the date when the Lotus Notes mail restoration agents were ran on the Mail2 server to fix the Mail2 problem.

Yiman Salim
3/13/00



E 0432

834

Mail Server	Agency	Name	Totals
MAIL2			394
	CEA		3
		Levine, Mark	
		Sice, Christel	
		Treadway, James	
	CEQ		5
		Blaug, Elisabeth	
		Burstein, Daniel	
		Kedziora, Matthew	
		Meekins, Kirk	
		Mercer, Miles	
	OA		3
		Gunia, Daniel	
		Raines, Ashley	
		Scott Jr., Leland	
	OPD		48
		Antholis, William	
		Barreto, Brian	
		Bianchi, Sarah	
		Cerda III, Jose	
		Chang, Gregory	
		Cicetti, Pamela	
		Cohen, Michael	
		Fernandes, Julie	
		Fitak, Carolyn	
		Freedman, Thomas	
		Holewinski, Sarah	
		Jennings, Christopher	
		Joshlyn, Gay	
		Kagan, Elena	
		Kalil, Thomas	
		Kane, Andrea	
		Kaplan, Jonathan	
		Katzen, Sally	
		Klein, Jennifer	
		Lambrew, Jeanne	
		Lee, Malcolm	
		Magaziner, Ira	
		Marr, Charles	
		Martin, Tanya	
		Matthews, Sonyia	

E 0433

Mail Server	Agency	Name	Totals
		Mays, Cathy	
		Mikuta, Julie	
		Montoya, Daniel	
		Murguia, Matthew	
		Nhan, Betty	
		Orszag, Jonathan	
		Pearah, David	
		Reed, Bruce	
		Rice, Cynthia	
		Robinson, Christa	
		Robyn, Dorothy	
		Shimabukuro, Leanne	
		Shireman, Robert	
		Siewert, Jake	
		Smith, Mary	
		Sperling, Gene	
		Summers, Todd	
		Thoryk, Aaron	
		Thurman, Sandra	
		Washington, Essence	
		Weinstein Jr., Paul	
		Weissman, Peter	
		Yeh, Irene	
	WHO		335
		Abrams, Lori	
		Adashek, Jonathan	
		Alcorn, Brian	
		Alexander, Jeremy	
		Allen, Jeannetta	
		Aiston, Mildred	
		Amenca, One	
		Anderson, Lori	
		Anders, Brenda	
		Apuzzo, Virginia	
		Arendal, Paul	
		Arends, Wendy	
		Bachman, Robin	
		Baer, Christine	
		Baker, Joan	
		Baker, Kyle	
		Balderston, Kris	

Mail Server	Agency	Name	Totals
		Band, Douglas	
		Barclay, Barbara	
		Barnes, Beverly	
		Bass, Walker	
		Bates, Melinda	
		Beaubaire, David	
		Begala, Paul	
		Bellanti, Jacqueline	
		Belsky, David	
		Bennett, Jacquelyn	
		Bernstein, Mark	
		Berry, Marsha	
		Beveridge, Susan	
		Bezout, Carl-Emile	
		Binns, Mary	
		Bird, Debra	
		Bisulco, Eugenie	
		Blumenthal, Sidney	
		Bohrer, George	
		Bourque, Emily	
		Breuer, Lanny	
		Briggs, Patrick	
		Brown, Alissa	
		Buckner, Jason	
		Burkhardt, Daniel	
		Button, Katharine	
		Cabe, Meredith	
		Campbell, Frances	
		Cano, Dominique	
		Caplan, Phillip	
		Carter, Cheryl	
		Cearley, Virginia	
		Cepriano, Chenilyn	
		Chirwa, Dawn	
		Chitre, Nanda	
		Cleveland, Carolyn	
		Cohen-Peyrot, Joshua	
		Conk, Mary	
		Conroy, Mary	
		Corbett, Julianne	
		Correia, Edward	

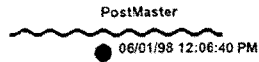
Mail Server	Agency	Name	Totals
		Costello, Brenda	
		Courtney, Kelly	
		Cozart, Charlene	
		Crable, Lynn	
		Craighead, Kelly	
		Croft, Caroline	
		Curie, Betty	
		Cutler, Lynn	
		Dankowski, John	
		Dass, Lisa	
		DeGuzman Jr, Danilo	
		Del Sesto, Gino	
		Demeo, Laura	
		Dickey, Lana	
		Dinwiddie, Jacquelyn	
		Droege, Philip	
		Duncan, Charles	
		DuVal, Fred	
		Eaglin, Ruth	
		Echaveste, Maria	
		Edwards, Anne	
		Emmett, Laura	
		Engskov, Paul	
		Erickson, Janelle	
		Esparza, Silvia	
		Evans, Madalene	
		Evans, Wanda	
		Fairbanks, Carmella	
		Farrow, Jeffrey	
		Forbes, Jeffrey	
		Fowler, Carmen	
		Gaines, Karen	
		Gamer, Barbara	
		Gibson, Jessica	
		Gioia, Eric	
		Goldberg, Adam	
		Goldberg, Diane	
		Goldberg, Donald	
		Gomez, Dario	
		Goodwin, Donald	
		Good, Terry	

Mail Server	Agency	Name	Totals
		Graham, Laura	
		Granger, Theresa	
		Hankins, Marjorie	
		Hanlin, Kirk	
		Hazard, Susan	
		Hemreich, Nancy	
		Hinderliter, Shannon	
		Holt, Daniel	
		Horn, Stephen	
		Hothen, Eric	
		Houser, Everett	
		Houser, Robert	
		Ho, Deborah	
		Hudson, Maureen	
		Hughes, David	
		Hughes, Edward	
		Hunker, Mark	
		Huynh, Phu	
		Ibarra, Mickey	
		Ikemiyashiro, Diane	
		Imbroscio, Michael	
		Jacarin, Marilyn	
		Jackson, Amanda	
		James Jr, Theodor	
		Janenda, Thomas	
		Jasso-Rotunno, Cynthia	
		Jennings, Jon	
		Johnson, Lee	
		Johnson, Robert	
		Johnson, Rochester	
		Jones, Crystal	
		Jones, Cyril	
		Kalbaugh, David	
		Kaplan, Jody	
		Kaplan, Jordan	
		Kiley, Julie	
		Kincaid, Katherine	
		King, Amatullah	
		Kitchen, Catherine	
		Kitsoos, Mary	
		Knight, Sarah	

Mail Server	Agency	Name	Totals
		Krause, Lori	
		Kullman, Karin	
		Labrador, Agustin	
		Latham, Sara	
		Lavery, Christopher	
		Leeds, Robin	
		Levin, Lisa	
		Lewis, Ann	
		Lewis, Sharon	
		Lieber, Carole	
		Lieber, David	
		Lindsey, Bruce	
		Li, Gordon	
		Lockhart, Joseph	
		Lopez, Alicia	
		Lovell, Ellen	
		Lum, Richard	
		Macy, Christine	
		Madigan, Kristin	
		Maldon, Alphonse	
		Maloney, Sean	
		Malone, Michael	
		Marcus, Laura	
		Marshall Jr, Thurgood	
		Marshall, Capricia	
		Mason, Julie	
		Matsui, Doris	
		Mayfield, Emory	
		Mayock, Andrew	
		McCathran, Ellen	
		McCathran, William	
		McClure, Kelli	
		McCoy, Ann	
		McGee, Scott	
		McGuire, Anne	
		Mendoza, Manuel	
		Meyer, Noa	
		Michaud, R.	
		Milbrath, Timothy	
		Millikin, Matthew	
		Millsap, Elisa	

Mail Server	Agency	Name	Totals
		Mills, Cheryl	
		Mody, Rajiv	
		Mohib, Mona	
		Mohile, Deborah	
		Moloney, Megan	
		Moore, Linda	
		Moore, Minyon	
		Moran, Kevin	
		Morrison, Mary	
		Murguia, Janet	
		Murray, Melissa	
		Muscatine, Alison	
		Musgrave Jr., Reuben	
		Nagy, Alex	
		Nash, Bob	
		Nash, Charles	
		Neschis, Mark	
		Neslen, David	
		Neumann, Kathleen	
		Newell, Timothy	
		Newman, Elizabeth	
		Nionakis, Dimitri	
		O'Shea, Rosemary	
		Pacific, Catherine	
		Pakulniewicz, Tracy	
		Palmieri, Jennifer	
		Parker, Doris	
		Parmelee, Carol	
		Pasquil, Simeona	
		Paxton, Sally	
		Payne, Julia	
		Payson, Charles	
		Peng, Mei	
		Peterson, Karen	
		Peterson, Michelle	
		Podesta, John	
		Polk, Shawnrick	
		Pribulsky, Jaycee	
		Prober, Melissa	
		Puestow, Dawn	
		Pushkar, Alice	

Mail Server	Agency	Name	Totals
		Rabner, Nicole	
		Racine, Karl	
		Reagan, James	
		Redington, Rachel	
		Rick, Earlene	
		Right, Jonathan	
		Rivera, Maritza	
		Robinson, Helen	
		Roddick, Gertrude	
		Roscoe, Jena	
		Rosenstein, Stuart	
		Rosenthal, Dan	
		Rosen, Robert	
		Ruff, Charles	
		Rundlet, Peter	
		Rustique, Virginia	
		Ryan, Evan	
		Salcido, Dorinda	
		Sanchez, Ana	
		Saunders, G.	
		Sawyer, Susan	
		Schiller, Laura	
		Schilling, Elisabeth	
		Schubert, Noah	
		Schwartz, Laura	
		Scott, Marsha	
		Scourfield, Judithanne	
		Scoville, Brooks	
		Seba, Sondra	
		Secrest, Robert	
		Septoff, Michael	
		Shamir, Ruby	
		Sharp, Michael	
		Shea, Maureen	
		Shih, June	
		Shourds, Cynthia	
		Showers, Wendy	
		Siegel, Michael	
		Simmons, Bryan	
		Simpson, Wandra	
		Singer, Sherry	



Record Type: Record

To: See the distribution list at the bottom of this message
 cc:
 Subject: Lotus Notes E-Mail Disk Space Shortage and What You Can Do to Help

MEMORANDUM FOR ALL EOP LOTUS NOTES E-MAIL USERS

FROM: VIRGINIA M. APUZZO
 ASSISTANT TO THE PRESIDENT FOR
 MANAGEMENT AND ADMINISTRATION

SUBJECT: Lotus Notes E-Mail Disk Space Shortage and What You Can Do to Help

As many of you are aware, in recent months, EOP offices have experienced a major increase in e-mail activity which has placed a very heavy strain on our information technology systems. In order to prevent a system failure associated with this overload, we are providing all users with options that will help reduce the load on the e-mail servers. Available options include:

- Deleting Unneeded Messages
- Saving Archived Messages to Individual Computers

Deleting Unneeded Messages

All users should regularly review all of their Lotus Notes e-mail folders and delete unneeded messages. Because an archival copy of each e-mail is created when a message is sent, from a records management perspective, users can feel free to delete unneeded files from their desktop.

Within the Lotus Notes e-mail system, every message that is sent or received is stored in one or more electronic folders (i.e., Inbox, Sent, All Documents). Every folder, including the Sent folder, should be reviewed periodically and unneeded messages deleted. Moving messages from the Inbox to other folders does not alleviate the storage problem.

To delete messages, the following options are available:

- 1) Drag unneeded messages to the Trash folder. Following the placement of unneeded messages in the Trash folder, select "Actions - Empty Trash" and answer "yes" when prompted.
- 2) Highlight a list of unneeded messages by placing a check mark in the column to the left of messages and drag them all at once to the Trash folder. After items are placed in the Trash folder, select "Actions - Empty Trash" and answer "yes" when prompted.
- 3) Highlight a list of unneeded messages by placing a check mark in the column to the left of the messages and then click the "delete" button. A trash icon will then appear next to all of the messages you check marked. Select "Actions - Empty Trash" and answer "yes" when prompted.

We have recently activated the "All by Size" view at the bottom of the list of Lotus Notes folders in order to allow users to concentrate their efforts on messages that consume the most disk space. Any of the three options outlined above can be used to delete messages in the "All by Size" view. The "All by Size" view includes the



E 0542

Mail Server	Agency	Name	Totals
		Vasquez, Terry	
		Vega, Dag	
		Velez, Ilia	
		Vellenga, Thomas	
		Virdi, Amandeep	
		Voeller, Joseph	
		Vranich, Janice	
		Waldman, Michael	
		Warren, Setti	
		Wayne, Christopher	
		Weaver, Dorian	
		Weiner, Glen	
		Weiner, Robert	
		Weintraub, Philip	
		Weiss, Lowell	
		Westray, Howard	
		Wexler, Daniel	
		White Jr., William	
		Widdess, Kim	
		Williams, Cecily	
		Williams, Patricia	
		Williams, Sherman	
		Willman, Courtland	
		Wilson, Eileen	
		Wondwossen, Woyneab	
		Wong, Vivian	
		Wood, Debra	
		Woolley, Barbara	
		Wright, Ronald	
		Wu, Carolyn	
		Young, Patricia	
			394

PostMaster

06/01/98 12:06:40 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Lotus Notes E-Mail Disk Space Shortage and What You Can Do to Help

MEMORANDUM FOR ALL EOP LOTUS NOTES E-MAIL USERS

FROM: VIRGINIA M. APUZZO
 ASSISTANT TO THE PRESIDENT FOR
 MANAGEMENT AND ADMINISTRATION

SUBJECT: Lotus Notes E-Mail Disk Space Shortage and What You Can Do to Help

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- Deleting Unneeded Messages
- Saving Archived Messages to Individual Computers

Deleting Unneeded Messages

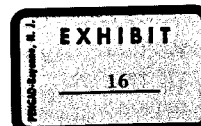
All users should regularly review all of their Lotus Notes e-mail folders and delete unneeded messages. Because an archival copy of each e-mail is created when a message is sent, from a records management perspective, users can feel free to delete unneeded files from their desktop.

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- 3) Highlight a list of unneeded messages by placing a check mark in the column to the left of the messages and then click the "delete" button. A trash icon will then appear next to all of the messages you check marked. Select "Actions - Empty Trash" and answer "yes" when prompted.

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following features:

- displays the total size of each message with largest messages listed at the top of the view;
- displays the size of any attachments; and,
- indicates the number of attachments to each message.

Options are available to retain messages while also deleting attachments. You can: 1) delete the message along with its attachments; 2) retain the message but delete the attachment (see instructions below); and, 3) detach and save important attachments to a local drive (see instructions below), and then delete the document and/or attachment. Of course, you may also print out items you wish to maintain on file in hard copy.

To delete an attachment:

- 1) open the message;
- 2) select "Actions - Edit Document";
- 3) click once on the attachment;
- 4) press the "Delete" key and answer "yes" when prompted.

To save an attachment on a user's hard drive:

- 1) double click on the icon that represents the attachment;
- 2) select "Detach" from the dialog box that appears;
- 3) choose the drive and directory on which the attachment should be stored;
- 4) select "Detach";
- 5) delete the document and/or attachments from your mail file.

Saving Needed Messages to Individual Computers

The other option that helps preserve e-mail server space is for users to archive any messages that they must keep, on their own computer's hard drive rather than on the e-mail network. Information Systems and Technology staff can install a button on the Lotus Notes screen that people can use to archive e-mails to their own computer's hard drive rather than on the network. Individuals who may still need access to some e-mails but are willing to store them on their own computer's hard drive rather than on the e-mail network should contact the Information Systems and Technology Help Desk at x57370.

Conclusion

Users need to continue to review and delete e-mail messages periodically so that this system will continue to perform at its most efficient level.

Finally, please remember to delete this e-mail message when it is no longer needed. If you think you will need to reference it in the future, please print a copy before placing this e-mail message in the Trash folder.

Thank you for your help and cooperation.

Message Sent To: _____

All Staff
All CEA Users
All CEQ Users
All NSC Users
All OA Users
All OMB Users
All ONDCP Users
All OPD Users
All OSTP Users
All PIR Users
All WHO Users


PostMaster

03/24/99 04:54:47 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Lotus Notes E-Mail Disk Space Shortage

MEMORANDUM FOR ALL EOP LOTUS NOTES E-MAIL USERS

FROM: VIRGINIA M. APUZZO
ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: Lotus Notes E-Mail Disk Space Shortage

This is a reminder for you to delete any unneeded messages from your Lotus Notes e-mail. The e-mail servers are approaching maximum capacity and we must take action to prevent the servers from failing.

If you need assistance in deleting your unnecessary e-mails, please call the Information Systems and Technology Help Desk at x57370. Thank you for your assistance.

Please remember to delete this e-mail when you are finished with it. Thank you.

Message SentTo:

-
All CEA Users
All CEQ Users
All NSC Users
All OA Users
All OMB Users
All ONDCP Users
All OPD Users
All OSTP Users
All OVP Users
All PFIAB Users
All PIR Users
All WHCCTF Users
All WHO Users

E 0545

848

DANIEL A.
BARRY
03/04/97 02:21:04 PM



Record Type: Record

To: John W. McGinnis Jr./OA/EOP
cc: See the distribution list at the bottom of this message
Subject: The memo to the record...

John;

In order to finish up the "memo to the record" regarding the 10,000+ lost E-mail records, I need you to give me input on the efforts that were performed to try to restore those records. If you give me a paragraph I will add it in at the end of the draft otherwise I can give you the draft and you can add it in. Either way I need to finalize this.

Later... Tony

Message Copied To:

Mary D. Blackwood
Paul L. Myers
Charles D. Benjamin
DOERING N
Laura Crabtree



E 2312

849

DANIEL A.
BARRY

06/08/98 09:42:44 AM



Record Type: Record

To: James B. Wright ([REDACTED]), Kathleen K. Gallant ([REDACTED])

cc:

Subject: Deposition

Jim, Kathy..FYI;

I am scheduled to give my deposition in the ALEXANDER case this Thursday. I have been asked by Jim Gilligan (DOJ) and Sally Paxton (WHO Counsel) to set aside Tuesday and Wed as preparation days (it may not take all both days but they need it to be flexible). I will keep you informed as to how it is going.

Later... Tony



E 0912

850

DANIEL A.
BARRY
07/24/98 12:18:31 PM



Record Type: Record

To: James B. Wright [REDACTED]

cc:

Subject: Weekly for 7/24/98

E-mail reconstruction activity

- I attended the regular reconstruction status meeting this week.
- I was informed this week that a problem had been uncovered in the process the reconstructs the pager data. The problem caused valid pager messages to appear as duplicates and therefore not get processed. The problem has now been fixed for the current and future process cycles but will have to be fixed for process cycles 1-9 (The previously delivered cycles). This problem will be corrected when the delivered tapes are cut to resolve the other two problems uncovered after production began (Truncation and incorrect file structure on anomaly records)
- I have received a goods and services request covering the purchase of new disks. I will review this next week and decide how to proceed. These disks will be needed prior to commencing the Daily tapes and they will allow more efficient processing if we purchase them sooner.

ARMS activity

- I coordinated the completion of 2 searches this week. One was a FOIA for CEQ records and the other was for WHO records.
- I spent a lot of time this week (10 hours) nursing both the tape processing for ARMS as well as the regular records processing through their respective stages. The communications between the NOTES data and the ARMS system failed last week and the backup caused severe delays in processing that spilled over into this week. There also seems to have been an increase in traffic which further exacerbated the situation. I will continue to monitor the process so that it does not fall behind again.
- I have been contacted by WHO counsel (Karl Racine and Dimitri Nionakis) regarding two separate Search requests. I have only received 1 of them thus far and I will try to get it running over the weekend.

FAMCO Contract

- I attended a meeting with the NG project manager and the COTR in preparation for my role next week as acting COTR.

Additional activities

- I continue to be involved in discussions regarding the MAIL2 problem but there has been no movement thus far on correcting the problem or getting the data over to ARMS. The plan for fixing the problem has been submitted.

Planned Activities for next week:



0929

851

- I will be acting COTR for the NG contract next week.
- I plan on getting the 2 search requests under way.

E 0930

My copy

DANIEL A.
BARRY

07/10/98 03:54:53 PM



Record Type: Record

To: James B. Wright/OA/EOP

cc:

Subject: Weekly for 7/10/98

E-mail reconstruction activity

- I attended the regular reconstruction status meeting this week.
- I received the deliverable of Month 8 (November 1993) from the reconstruction project. I loaded the data into the Data Warehouse and loaded several of the ARMS and NARA tapes. I made random checks on the data and verified that all looks good. I also did a complete check on the tapes for month 8 and a random checking on the tapes for Month 4. I discovered that not all of the delivered tapes had been made write protected and directed that this be done ASAP. I signed off on the deliverable for month 8.

ARMS activity

- I coordinated the completion of the 2 WHO searches that I had started prior to going on vacation. Both of these searches involved a 2 phase search and I completed these and delivered the results this week.
- I put together estimates for 4 additional search requests this week also and began preparation work on getting these searches accomplished. Two of these searches were from CEQ, one from OSTP and one from WHO.
- We temporarily removed the conversion of WordPerfect attachments to text in the ARMS processing because the KeyPac utility was hanging in an infinite loop on most of the WP 6 documents. We are going to upgrade to the latest version as soon as it can be scheduled and tested. At the present time all non ASCII attachments are being hexified in the record.
- I received the tape scan listing report for the 173 NARA tapes that NARA requested we sample and read for their tape scan obligations under ARMSTRONG. I compared the listing report against that which NARA requested and found that there was no correlation between the tape listing given to us by NARA and that produced as a result of the tape scan. I coordinated with Bill Burkey to add in a column to the report containing the NARA location number to correct this discrepancy. I then contacted Bruce Ambacher of NARA and left a message with him that we had completed the report and I want to fax it to him (He is out of the office until 7/14). I will fax the report to him as soon as I hear from him.

FAMCO Contract

- No activity to report

Additional activities

- I spent about 10 hours this week reading and marking up the transcript of my declaration in the ALEXANDER case. I faxed the pages that needed changing to Julia Feingold at DOJ and she is to submit the changes for inclusion into the final.



E 2508

853

DANIEL A.
BARRY

07/24/98 12:55:04 PM



Record Type: Record

To: James B. Wright [REDACTED], Stephen O. Hawkins [REDACTED], Kathleen K.
Gallant [REDACTED], Laura Crabtree [REDACTED]

cc:
Subject: NOTES/ARMS problems

As I mentioned in this mornings meeting about the "on the fly" changes that were happening yesterday and in the past on the Notes/ARMS interface and how small "insignificant" changes on the NOTES side can cause huge repercussions on the ARMS Side... Well it happened yesterday and we got burned...

One of the changes made yesterday was to swap out MAIL4 (The ARMS server) for another box MAIL1. This seeming "insignificant" change cause all the records posted from MAIL1 to come to ARMS without agency specifiers on the addressees. Therefore I have 4000 to 6000 records that are placed in incorrect buckets in ARMS and I have no easy way of correcting the problem.

We have to get our hands around the management of the NOTES/ARMS interface. and we have to do it soon.

Later... Tony



E 0931

DANIEL A.
BARRY
07/30/98 11:47:36 AM

Record Type: Record

To: James B. Wright

cc:

Subject: Weekly for 7/31/98

E-mail reconstruction activity

- I attended the regular reconstruction status meeting this week.

ARMS activity

- I continue to move records from the near term storage area into the ARMS data warehouse. This used to be a process I did about 4 times per year but since the volume of records has increased I perform the operation about 6-8 times per year.
- I set up two parts of one search request this week and set the jobs to run serially on both nodes of the ARMS data warehouse. This search is large and will take 3-4 weeks to complete. I delivered the first part of this search this week at the request of Dimitri Nionakis (WHO Counsel). I set up the second part to run while I am on vacation.
- I spoke with Steve Aitken (OMB) regarding searches and the search capabilities that we currently have within ARMS.
- I am putting together a talking points paper containing the issues around ARMS that need to be addressed in the near future. I will plan a meeting with Jim Wright Cathy Gallant and Nell doering soon to discuss these issues and try to come up with an action plan.
- I spent a great deal of time this week fixing 2 problems caused by the NOTES interface and how it posts information to ARMS. There were several problems this week that caused damaged records that had to be corrected.

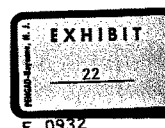
Additional activities

- I continue to be involved in discussions regarding the MAIL2 problem but there has been no movement thus far on correcting the problem or getting the data over to ARMS. The plan for fixing the problem has been submitted. We had a meeting on this this week at which some of the approaches were discussed and equipment needs were put together.

Contract Issues:

- I Signed off on an IWO for PC Maintenance IAG support this week. I spoke with Cathy Gallant about the IWO and she said to move forward on it. I also spoke to Debbie Pow to make sure there was funding.
- I had a meeting with Bob Blumfield regarding the delivery of the CSR's (533 Financial reports).
- I passed an IWO from Tim Fuller along to NG and asked them to respond. I left a copy of the request on you chair.

Planned Activities for next week:



855

- I will be on vacation next week and will be back on 8/10/98

E 0933

856

DANIEL A.
BARRY
08/13/98 07:21:01 AM



Record Type: Record

To: James B. Wright [REDACTED]

cc:

Subject: Concerns

Jim;

This is a followup to our discussions on Tuesday regarding "the mail2 problem" or project X.

I am concerned about several aspects of this problem. As far as I can tell, there is no movement under way to fix the problem and recover the lost records from the backup tapes. When I talk to Sandy, John or Bob they tell me that there is no movement on this project from their side and the last activity was the meeting we had with Betty before she left (7/28).

Sandy has submitted a Goods and Services to Paulette to purchase 6 disks to hold the data on the VAX side.

The only people I have had contact with on this project are You, Cathy, Betty, Sandy, Bob and John. I have not spoken with any other Govt person on this and I am not at all clear what my role should be. I feel that the records must be recreated and any searches need to be reperformed if the requestors feel it is necessary... This seems like a daunting proposition but I do not see any other alternative.

Additionally, I feel that I can not walk away from this problem because any work that will be done to recover the records will directly impact ARMS and searching... also, as each day goes by, there is a risk that one of the affected accounts could be moved to another server (Dan Gunia continues to do his job while not knowing the impact) This would cause records to flood into ARMS but have corrupt data in them.

I apologize for the rambling nature of this memo but I hope it captures my concerns and frustration level.

Any help is appreciated.

Later... Tony



E 0934

James B. Wright
08/13/98 07:37:13 AM

Record Type: Record

To: Daniel A. Barry/[REDACTED]
cc: Kathleen K. Gallant/[REDACTED]
bcc: Records Management
Subject: Re: Concerns [REDACTED]

Tony there as been some movement to get this back on the movement track. Kathy informed me yesterday that Paulette briefed Jim Welsh of NG that he can now proceed with developing a plan to get this effort going.

Certainly the Data Center and the Records Team has been left out of this matter and the result could be a great deal of work put upon us later.

I would suggest that we setup a meeting with Jim Welsh and see if we can find out his anticipated time schedule and general direction.

If you do not know him we should go over and introduce you to him today.
I will see if he is in today and set something up.

Is there anything else I should do in the short term?

Jim
DANIEL A.

DANIEL A.
BARRY
08/13/98 07:21:01 AM



Record Type: Record

To: James B. Wright/[REDACTED]
cc:
Subject: Concerns

Jim;

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I am concerned about several aspects of this problem. As far as I can tell, there is no movement under way to fix the problem and recover the lost records from the backup tapes. When I talk to Sandy, John or Bob they tell me that there is no movement on this project from their side and the last activity was the meeting we had with Betty before she left (7/28).



E 1000

Sandy has submitted a Goods and Services to Paulette to purchase 6 disks to hold the data on the VAX side.

The only people I have had contact with on this project are You, Cathy, Betty, Sandy, Bob and John. I have not spoken with any other Govt person on this and I am not at all clear what my role should be. I feel that the records must be recreated and any searches need to be reperformed if the requestors feel it is necessary... This seems like a daunting proposition but I do not see any other alternative.

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I appologize for the rambling nature of this memo but I hope it captures my concerns and frustration level.

Any help is appreciated.

Later... Tony

859

DANIEL A.
BARRY

09/01/98 03:15:24 PM



Record Type: Record

To: James R. Webster/[REDACTED]
cc: James B. Wright/[REDACTED]
Subject: meeting

Jim;

I spoke to Kathy Gallant this morning about the mail2 problem and as a result I would like to have a meeting to discuss the plan/approach for proceeding. I think Sandy Bob Haas and John spriggs ought to be there also.

Let me know when is good for you.

Later... Tony



E 2018

DANIEL A.
BARRY

09/04/98 10:04:24 AM



Record Type: Record

To: James B. Wright/ [REDACTED]

cc:

Subject: Weekly for 9/4/98

E-mail reconstruction activity

- I attended the regular reconstruction status meeting this week.
- After reviewing the code which performs the convert of WPL and DX documents to TXT and performing several tests, I decided not to renew the KEYpak licence and maintenance for the coming year. The code had been using the VMS convert and if that failed then it would use KEYpak. The tests revealed that KEYpak was getting invoked very sparsely and when invoked in these circumstances, it also failed to convert.
- I worked with Brian Cooper of NSC and Eric Duong from the reconstruction project to help NSC perform their data conversions.
- I spoke with Jurg (FMD) regarding the status of funding for e-mail reconstruction and other armstrong projects. The paperwork has been passed to OA Counsel and is awaiting processing there. I send mail to OA counsel requesting a status and have heard nothing yet.

ARMS activity

- I moved several months worth of data from the CD cluster to the ARMS data warehouse. I also did some analysis of disk utilization and projections on how much space we will require. I am now estimating that we have about 4 months worth of space available on the ARMS data warehouse. I spoke with Sandy Golas about getting SMS in to give us a quote on increasing disk space by filling all available slots on the ARMS data warehouse with 4GB drives and swapping several of the 1GB drives with the 4GB drives. If I cannot get space before I run out I will have to perform data compression on some of the agency data and store it in a compressed format which means that retrieval will be slowed and searches will be extended.
- I had a discussion with Jim Webster regarding OVP E-mail and records management. I informed him that we had a OVP records bucket but that we only were getting mail from OVP that crossed into another bucket. However, it turns out that ARMS may be getting internal OVP mail because the mail template of certain OVP users contains the records management icons. He wants to put WAVES up for all OVP users and also have all their records managed through ARMS. I referred him to Kathy Gallant for a decision on that.

Additional activities

- I continued to spend time reviewing and marking up 2 diagrams detailing the workings of ARMS and the NOTES/ARMS interface. These diagrams have been drawn up as a result of the Y2K effort. I met with Mark Geschke for about an hour and went through my additions to the diagrams.
- I put together a goods and services and authorization request memo for Kathy Gallant's signature to

purchase 6 4GB disks for the NOTES MAIL2 recovery project. This has been passed to FMD for signature and will then make its way to OA counsel.

- I plan on attending the DOT kickoff meeting this week, I will report on progress on this next week.

Contract Issues:

- NONE to report.

Planned Activities for next week:

- I will be at DOT for 6 hours per day starting next week.

862

James B. Wright
09/10/98 02:02:01 PM

Record Type: Record

To: Daniel A. Barry/ [REDACTED]
cc:
bcc:
Subject: Re: Concerned [REDACTED]

lets talk in the am.

DANIEL A.

DANIEL A.
BARRY
09/10/98 07:58:36 AM

Record Type: Record

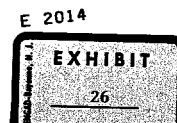
To: Kathleen K. Gallant/OA/EOP, James B. Wright/ [REDACTED]
cc:
Subject: Concerned

Kathy,Jim;

I am growing increasingly concerned about the seeming lack of movement on the Mail2 problem. Do you know where the hold up is. We have known about this problem for 4 months now and not a single record has been passed to ARMS...even worse, the root problem has not been fixed.

Let me know what you think.

Later... Tony



James B. Wright
09/25/98 04:36:16 PM

Record Type: Record

To: Daniel A. Barry
cc:
bcc: Records Management
Subject: Re: Concerned

My only knowledge at this time is that NG will not proceed without direct specifications from the government. I don't what Dale plans to do about this. But I suppose that IS&T needs to start the ball by provide NG with direction.

DANIEL A.

DANIEL A.
BARRY
09/25/98 08:59:14 AM

Record Type: Record

To: Kathleen K. Gallant, James B. Wright
cc:
Subject: Concerned

Jim, Kathy;

It has been about 2 week since I sent my last "concerned memo" regarding the mail2 problem and I am still not seeing any movement on fixing the problem. I need to know, for my own sanity, exactly what my role in this project should be. My take all along has been that I am the recipient of the data so that my involvement is to make sure that whatever data is sent to me is in compliance with the Records management guidelines and ARMS. I do not and have not considered myself the driver of the project, However I am not sure who the driver of the project is since anyone involved in that capacity has left.

Can you please clarify this for me so that we are all on the same wavelength.

Thanks.

Later... Tony
Later... Tony



E 0942

864

DANIEL A.
BARRY

10/13/98 03:42:54 PM



Record Type: Record

To: Christina L. Vanfossan [REDACTED], Joseph G. Kouba [REDACTED], Jurg E. Hochuli [REDACTED]

cc:

Subject: ARMSTRONG Projects

Chris

Per our meeting last week...

Here are 4 projects that I can see happening in the near term that are not currently budgeted for. It is arguable whether or not ARMS II is on the books ???

Let me know if you need any more info

I will keep this list up to date as I think of more stuff.

Later... Tony

1. ARMS TAPE CONVERSIONS

The current tapes that are produced from the ARMS system (Approx 500 per month) are not acceptable to NARA. Depending on the agreement we reach with NARA we may end up having to convert those tapes to a new format, the NARA format.

This project would take approximately 6-9 months to accomplish, (2 people for 3 months doing software development and 1 person for 3 months performing the processing)

There may be a requirement for additional hardware/software

Approximate cost \$350,000

This project would have to be initiated prior to Jan 1 2001 i.e. June 2000

2. MONITOR FACILITY REWRITE

The records management staff (Neil Doering) use a records monitor facility to review the EOP records on a regular basis for conformity to records management directives. This utility was developed in ALL-IN-1 and will have to be moved to another platform if/when we turn off ALL-IN-1.

Estimated cost:

\$200,000



E 3359

3. PROJECT X (MAIL 2) RECONSTRUCTION

Mail has to be recovered from Lotus backup tapes and place in ARMS


Estimated cost \$250,000

4. ARMS II

This project is the followon to the current ARMS system and would include; increased storage, improved search capability and intelligent record scheduling.

Estimated cost \$3-5 M

866

DANIEL A.
BARRY
11/12/98 07:01:52 AM


Record Type: Record

To: Joseph A. Vasta/[REDACTED] John E. Spriggs/[REDACTED]
cc: DeVere R. Patton/[REDACTED], James B. Wright/[REDACTED] Lynnae C. Roscoe/[REDACTED]
Robert D. Helms/[REDACTED]
Subject: MAIL 2 meeting

Joe;John;

We need to sit down soon and discuss the approach to accomplishing this task. It is clear (At least to me) that we cannot proceed as described in the IWO.

When is good fo you guys. ?

Later... Tony



E 0943

867

DANIEL A.
BARRY

11/12/98 07:46:16 AM



Record Type: Record

To: DeVere R. Patton/[REDACTED]
cc: Robert D. Helms/[REDACTED], Lynnae C. Roscoe/[REDACTED], James B. Wright/[REDACTED]
Subject: Issues from COTR meeting

Devere;

Here is a list of open items that NG needs technical guidance on:

1. A response on the relaxation of the position description requirements for the Network manager position
2. A response on the MAIL2 IWO
3. The 1999 award fee plan
4. The 1998 award fee.
5. Direction on how to proceed with the pubs server staffing issues.
6. Several IWO's
7. General guidance on SDLC.

Later... Tony



E 0944

DANIEL A.
BARRY

11/13/98 11:31:06 AM



Record Type: Record

To: James B. Wright

cc: Christa Moyle

Subject: Weekly for 11/13/98

E-mail reconstruction activity

- I attended the weekly E-mail reconstruction status meeting this week
- I took delivery of Process Cycle 13 (April 1994) this week and proceeded to load the data into the ARMS data warehouse.

ARMS activity

- I completed an E-mail search request this week. The request was submitted by WHO council and involved the search of WHO, OVP, OPD and NSC online records.
- I continued to work with Procurement on the purchase of additional disk space and associated hardware for the ARMS data warehouse. There are a number of issues surrounding the installation and purchase of the hardware that need to be resolved. The CBD announcement has been made and the responses are due back by 11/23/98. There have been a number of questions submitted by potential vendors that I have worked on answering.
-

Additional activities

- I conducted the PROFS project closeout meeting this week. I also prepared the transfer document for transferring the data tapes to NARA. I circulated this document for internal review and intend to transfer the tapes to NARA on Tuesday 11/16/98.

Contract Issues:

- I attended the weekly COTR/CO/NG meeting this week. There are a number of open issues that the Government needs to get answered for the contractor. Among these issues are the following:
 1. A response on the relaxation of the position description requirements for the Network manager position
 2. A response on the MAIL2 IWO
 3. The 1999 award fee plan
 4. The 1998 award fee.
 5. Direction on how to proceed with the pubs server staffing issues.
 6. Several IWO's

Data center operations:

- I Attended the morning operations meetings this week.



E 0945

869

DANIEL A.
BARRY

12/24/98 09:46:56 AM



Record Type: Record

To: Joseph G. Kouba [REDACTED]
cc: Dorothy E. Schott [REDACTED]
Subject: Info for Legal re ARMSTRONG

Joe,

Here is the matrix that we talked about on Wed. I will be in on Tuesday 12/29. Do not move this forward until Dottie has seen the final we come up with.

Thanks.

This matrix contains all ARMSTRONG* related projects (Not already in progress and funded) and is in three tiers:

First tier is the projects that I think should be done or started

Second tier is possible Y2k related

Third tier is projects that could be done but are not vital**.

Project name	99 cost	2000 cost
ARMS Tape conversion	350,000	120,000
VAX Y2k compliance	100,000	
ARMS Y2k compliance	100,000	
Monitor facility rewrite (ALL-IN-1 removal)	100,000	
NOTES/ARMS interface Y2k compliance	200,000	
Mail 2 reconstruction (Project X)	650,000	1,000,000
ARMS II	2,000,000	2,000,000


*ARMSTRONG related means that one could make the case for ARMSTRONG funds

** In my opinion




E 3357

870

**DANIEL A.
BARRY**
01/14/99 12:39:02 PM


Record Type: Record

To: Joseph G. Kouba/ [REDACTED]
cc:
Subject: Re: Memo for RAR9128 

Joe;

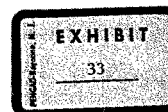
As a followup...

Pls remove the "project X " designation on the ARMS financial sheet.

We need to keep in mind that the ARMS tape conversion project will probably not come for ARMSTRONG.

Also NO Y2K projects are on this sheet... Just wanted to point that out.

Later... Tony



E 3355

871

DANIEL A.
BARRY
02/01/99 10:19:39 AM



Record Type: Record

To: Christa Moyle [REDACTED]
cc: James B. Wright [REDACTED], Nellie W. Doering [REDACTED]
Subject: Meeting with Dottie;

Christa;

I need to schedule a meeting with Dottie to discuss Deletion of ARMS records as per the records schedule. (see below)

Please let me know when is good.

Thanks,

Later... Tony

[REDACTED]
[REDACTED] Dorothy E. Cleal
02/01/99 07:55:24 AM

Record Type: Record

To: Daniel A. Barry [REDACTED]
cc: James B. Wright [REDACTED], Nellie W. Doering [REDACTED], Catherine S. Anderson [REDACTED], Michael J. Lyle [REDACTED]
Subject: Re: Deletion of ARMS records [REDACTED]

Barry,

Before we delete anything I need a quick overview of our intentions and possible ramifications, etc. A half an hour or less with the appropriate and interested parties should do it. Can you set that up with me and whomever else you deem appropriate. Dottie



E 0965

BARRY

02/08/99 08:41:47 AM



Record Type: Record

To: Robert E. Whitehead/[REDACTED] Mark H. Bartholomew/[REDACTED]
 cc: John E. Spriggs/[REDACTED], Sandra L. Golas/[REDACTED], Nellie W. Doering/[REDACTED], James B. Wright/[REDACTED]
 Subject: ARMS/NOTES problem

Mark, Bob;

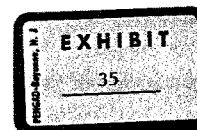
It appears as though the NOTES/ARMS interface fails to include BCC addresses in the information that gets posted to ARMS. The following is a situation where an external E-mail gets into ARMS without any addressees on it ??? John investigated the mail and it has one BCC addressee on it. This did not make it to ARMS.

It needs to be investigated and fixed whenever the code is compilable...

Thanks.


Later... Tony

FILENAME:ARMS_EXT:[MESSAGE.D54]MAIL492570831.036
 BODYPART:E
 REC TYPE:F
 TRANSTYP:1
 POSTTIME: 4-FEB-1999 12:09:36.00
 TAG:111 LENGTH: 143 [REDACTED]
 [REDACTED] ([REDACTED] <[REDACTED]>
 UNKNOW
 N)):-
 TAG:108 LENGTH: 12 -: AWESOME!!!:-
 TAG:107 LENGTH: 38 -:ARMS_EXT:[ATTACH.D54]MAIL413570832.036:-
 TAG:119 LENGTH: 16 -: 0 00:00:00.00:-
 TAG:112 LENGTH: 4 -:DONE:-
 TAG:107 LENGTH: 38 -:ARMS_EXT:[ATTACH.D54]MAIL466570833.036:-
 TAG:119 LENGTH: 16 -: 0 00:00:00.00:-
 TAG:112 LENGTH: 4 -:DONE:-
 %COPY-S-COPIED, ARMS_EXT:[MESSAGE.D54]MAIL492570831.036;1 copied to
 RM_DATA02:[A
 RMSTRONG_TEMP.D1]2081892F.TXT;1 (1 block)
 Hex Dump of ARMS_EXT:[ATTACH.D54]MAIL413570832.036
 to ARMSTRONG_TEMP_LOCATION:2081892f.TXT
 \$ dir/siz ARMS_EXT:[ATTACH.D54]MAIL413570832.036



E 0775

873

 Robert E. Whiteman
02/09/99 05:56:35 PM

Record Type: Record

To: Yiman F. Salim [REDACTED]
cc:
Subject: ARMS/NOTES problem

----- Forwarded by Robert E. Whiteman/OA/EOP on 02/09/99 05:58 PM

DANIEL A.
BARRY
02/08/99 08:41:47 AM

Record Type: Record

To: Robert E. Whiteman/[REDACTED], Mark H. Bartholomew/[REDACTED]
cc: John E. Spriggs/[REDACTED], Sandra L. Golas/[REDACTED], Nellie W.
Doering/[REDACTED], James B. Wright/[REDACTED]
Subject: ARMS/NOTES problem

Mark,Bob;

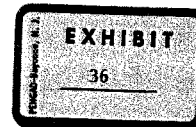
It appears as though the NOTES/ARMS interface fails to include BCC addresses in the information that gets posted to ARMS. The following is a situation where an external E-mail gets into ARMS without any addressees on it ????. John investigated the mail and it has one BCC addressee on it. This did not make it to ARMS.

It needs to be investigated and fixed whenever the code is compilable...

Thanks.

Later... Tony

FILENAME:ARMS_EXT:[MESSAGE.D54]MAIL492570831.036
BODYPART:E
REC TYPE:F
TRANSTYP:1
POSTTIME: 4-FEB-1999 12:09:36.00
TAG:111 LENGTH: 143 - [REDACTED]
[REDACTED]



E 0776

```

UNKNOWN
N)):-
TAG:108 LENGTH: 12 :-: AWESOME!!!:-
TAG:107 LENGTH: 38 :-: ARMS_EXT:[ATTACH.D54]MAIL413570832.036:-
TAG:119 LENGTH: 16 :-: 0 00:00:00.00:-
TAG:112 LENGTH: 4 :-: DONE:-
TAG:107 LENGTH: 38 :-: ARMS_EXT:[ATTACH.D54]MAIL466570833.036:-
TAG:119 LENGTH: 16 :-: 0 00:00:00.00:-
TAG:112 LENGTH: 4 :-: DONE:-
%COPY-S-COPIED, ARMS_EXT:[MESSAGE.D54]MAIL492570831.036;1 copied to
RM_DATA02:[A
RMSTRONG_TEMP.D1]2081892F.TXT;1 (1 block)
Hex Dump of ARMS_EXT:[ATTACH.D54]MAIL413570832.036
to ARMSTRONG_TEMP_LOCATION:2081892f.TXT
$ dir/siz ARMS_EXT:[ATTACH.D54]MAIL413570832.036

```

875

DANIEL A.
BARRY

03/18/99 12:43:31 PM



Record Type: Record

To: DeVere R. Patton/[REDACTED], Karl H. Heissner/[REDACTED], Nellie W. Doering/[REDACTED]
cc:
Subject: MAIL2 records management problem.

DeVere;

It has come to my attention that when the "bleeding" was stopped on MAIL2 in November 1998, ALL the bleeding may NOT have been stopped. I have spoken with John Spriggs and it appears as though at least one account, MILLENNIUM, may still have the problem. I believe NG should be instructed to investigate and report back on exactly what the situation is with regard to the MAIL2 problem.

Later... Tony



E 1176

Michael E. Ritter

05/21/99 02:55:27 PM

Record Type: Record


To: Albert F. Leister Jr/ [REDACTED]

cc:

Subject: Re: Mail2 statement of work

This is actually from Septembes '98. Still no action on... or response from... the gov't.

----- Forwarded by Michael E. Ritter/OA/EOP on 05/21/99 02:54 PM -----

 John E. Spriggs
04/02/99 09:06:49 AM

Record Type: Record

To: Michael E. Ritter/ [REDACTED]

cc:

Subject: Re: Mail2 

--01
09/23/98

STATEMENT OF WORK


to

Fully Re-instate Mail2/EOP into EOP Records Management
System





E 0825

877

 Kathleen K. Gallant
07/21/98 06:39:49 PM
.....

Record Type: Record

To: Stephen O. Hawkins/
cc: James B. Wright/
Subject: Lambuth Transition


I need to know to whom and when this is going to begin. If Jim Webster is the person, then we need to introduce him to Laura and Sheryl and get the transitions underway. I am getting emails and phone calls about who it is and what you are doing. Please raise this up on your list.

Scuttlebutt says end of month is when Betty is leaving - and since I haven't heard anything from you, it's all hearsay. But I need to keep the circling Indians at bay.




Thanks, Kathy



E 0975

 Kathleen K. Gallant
08/13/98 11:49:03 AM
.....

Record Type: Record

To: James B. Wright/
cc: Daniel A. Barry/
Subject: Re: Concerns 

Jim Webster is the person taking Betty's place and Paulette had a meeting with him, Sandy, John Spriggs and Bob Haas authorizing them that it was okay for them to discuss this project in detail with Jim now.

I agree with Tony's concerns and Jim is concerned as well. Betty's plans were virtually non-existent, but I have confidence that Jim will turn this around. I agree with having a meeting with Jim Webster, Tony and yourself and I will be glad to participate.

I also agree with Tony about the new searches that will have to be done. We need direction from OA counsel on that front.



E 1002



Karl H. Heissner

03/18/99 01:03:20 PM

Record Type: Record

To: DeVere R. Patton [REDACTED]
 cc: Dorothy E. Cleal [REDACTED], Nellie W. Doering [REDACTED], James B. Wright [REDACTED], Charles L. Sigman [REDACTED]
 bcc: Records Management
 Subject: Re: Cost of Tapes for Mail Backups [REDACTED]

Operations is not an area under my purview, but I offer the following recommendation:

After NG makes the determination that the Records Management process is working properly (see Tony's e-mail from today concerning what may be the continuation of the old Mail2 problem on a smaller scale) and confirms that fact, that they be asked to resume the re-cycling of backup tapes according to documented schedules and procedures by the Operations Manager while preserving backup MAIL2 server backup tapes created between 1998 and now ("now" to be defined).

Hope this helps.

DeVere R. Patton 03/18/99 11:11:45 AM

DeVere R. Patton 03/18/99 11:11:45 AM

Record Type: Record

To: Dorothy E. Cleal [REDACTED]
 cc: Karl H. Heissner [REDACTED], Nellie W. Doering [REDACTED], James B. Wright [REDACTED], Charles L. Sigman [REDACTED]
 bcc:
 Subject: Re: Cost of Tapes for Mail Backups [REDACTED]

From my understanding, this was a problem that NG inherited and (true to NG form) have done nothing but continue the practice. To answer your question, yes, it is something that NG should be doing under the base contract. However, once tapes have been inventoried, documented, etc. only half of the problem will be solved. We will still have to purchase the backup tapes until the Government decides on procedures to implement a restoration plan. This is where my knowledge of the situation becomes shady. I believe the responsibility falls in Karl's area and I understand he is having a meeting on the restoration project today.

Dorothy E. Cleal



Dorothy E. Cleal
 03/17/99 03:11:47 PM



E 1177

Record Type: Record

To: DeVere R. Patton/[REDACTED], Karl H. Heissner/[REDACTED]
cc: Nellie W. Doering/[REDACTED], James B. Wright/[REDACTED], Charles L. Sigman/[REDACTED]
Subject: Re: Cost of Tapes for Mail Backups

Is this something that NG should be doing under the base contract or not? Please let me soonest. Dottie Cleal

Forwarded by Dorothy E. Cleal/[REDACTED] on 03/17/99 03:10 PM



Record Type: Record

To: Dorothy E. Cleal/[REDACTED]
cc: James B. Wright/[REDACTED], Charles L. Sigman/[REDACTED]
bcc:
Subject: Re: Cost of Tapes for Mail Backups [REDACTED]

Dottie:

I received Chuck Sigman's memo on the cost. \$20,000 will only hold us until MAY.

The following is my understanding: (sorry this is so long)

PROBLEM:

The Server 2 Backup Tapes that were not records managed need to be restored and ultimately put into ARMS. These tapes have not been inventoried, documented, sampled, tested, or anything else according to Tony Barry. Consequently, all the servers are backed up on a regular basis and not recycled because it is one operation.

Apparently Tony tried to do something about it some time ago and NG said it was too much work and they needed an IWO, etc., etc.. Subsequently, the project was turned over to SID because it was determined to be a "Lotus Notes" problem and not an "All-IN-1" problem. Sooooo — as I understand it from Tony — the backup tapes just keep piling up and now are a complete mess and a mounting problem.

As long as the backup tapes keep piling up — its costing money.

It will cost money to do nothing.

It will cost money to get the basics done on the Server 2 backup tapes that were not records managed — backup tape inventory, documentation, labeling, etc.

Eventually, it will cost money to restore the backup tapes that were not records managed.

SOLUTION:

The time period that the Lotus Notes were not records managed needs to be examined to find out exactly

how many tapes are involved so it can be determined how long it will take to inventory, document, label, sample, test, etc. them so we have an idea of how long it will take.
(This should be determined either before we buy new tapes if possible, or before May — which means \$20,000 must be spent now).

It appears that SID (or whoever) needs to 1) instruct NG to separate the Server 2 Backup Tapes that were not records managed, and 2) further instruct NG to inventory, document, label, and anything else that needs to be done to them as soon as possible. Of course, these tapes need to be "secured" so that they are easily identified as the Server 2 Backup Tapes that were not records managed and identified as a "Project" that needs to be completed before the ARMS/NARA Conversion Project gets to those "dates" involved.

Once all of this is accomplished, (and verified by IS&T staff) the current backup tapes should start to be recycled on a normal schedule. The servers "Lotus Notes" are the same as the VAX "ALL-IN-1" and should be recycled on a normal basis — daily, weekly. This will eliminate the need to buy more tapes.

Plan for the restoration of these backup tapes — including funding.

ACTION: Punt!! SMILE!!

Unfortunately, it looks like we need to stretch our resources once again. Tony seems to think that SID should make something happen. Perhaps they do not entirely understand the problem. **Maybe SID, Jim W/Tony should meet and make a decision — at least about getting these tapes inventoried, documented, labeled, etc..** I would be happy to attend the meeting. At least by doing this much, the backup tapes could begin to be recycled on a normal basis and we would not need to continue to buy new ones.

or -----

Keep buying tapes until the Y2K problems are completed. Then concentrate on the problem(S).


INACTION: The results of inaction now:

1. Continue to buy more backup tapes. At what cost??
2. Unnecessary backup tapes keep piling up.
3. We still will not have an inventory, documentation, etc. of these backup tapes and is danger of loss and/or damage.
4. If a solution to restoring the backup tapes is not resolved soon — this information will not get into ARMS in time for the reversion to the NARA format.
5. This will probably mean a separate recovery project just for these backup tapes at a later time. Given it is getting close to transition — this is really not acceptable.

Nell

P.S. Tony and I are going to meet with Karl tomorrow on the subject of restoration of the Server 2 backup tapes that were not records managed. I am forwarding him a copy of this memo so he knows about the other related problems.

Dorothy E. Cleal

 Dorothy E. Cleal
03/16/99 02:36:20 PM

E 1179

882

Record Type: Record

To: Charles L. Sigman/[REDACTED]
cc: James B. Wright/[REDACTED], Nellie W. Doering/[REDACTED]
Subject: Re: Cost of Tapes for Mail Backups [REDACTED]

What is our intended solution to this issue? Dottie Cleal

E 1180

Joseph G. Kouba 03/18/99 01:58:07 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: FYI:Re: Armstrong Talking Points for 3/19

I am not sure if Kate sent this to you. Looks like MAIL 2 reconstruction is back on hold until some additional confirmation is received.

Thanks.

Forwarded by Joseph G. Kouba on 03/18/99 01:55 PM

Catherine S. Anderson

03/18/99 01:46:19 PM

Record Type: Record

To: Joseph G. Kouba

cc:

bcc:

Subject: Re: Armstrong Talking Points for 3/19

Joe: See changes below. As you will note, I deleted the last bullet until I confirm with Mike.

Kate

Joseph G. Kouba

Joseph G. Kouba 03/18/99 01:12:31 PM

Record Type: Record

To: Catherine S. Anderson

cc: See the distribution list at the bottom of this message

Subject: Armstrong Talking Points for 3/19

This is to follow up on our discussion this morning regarding the outstanding Armstrong issues. The following is a list of updated information you wanted included in the talking points that will be used in the monthly analysis meeting with Virginia

- We are awaiting word from OMB on the status of the \$500K that might be transferred from NARA to the Office of Administration for the ARMS/NARA tape conversion. Mike Lyle is working with OMB to resolve the transfer issue.



E 1185

- No determination on the use of Armstrong funds for the ARMS/NARA tape conversion will be made until the issue of the \$500K NARA transfer is settled.
- IST has a drafted a project plan for the ARMS/NARA tape conversion, which will be submitted to NARA for review and comment.

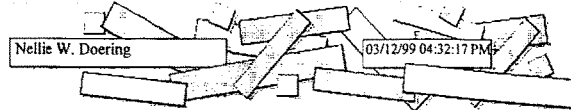
Thanks for all your assistance.

Message Copied To:

Michael J. Lyle/
Daniel A. Barry/
Nellie W. Doering/
Karl H. Heissner/
Christina L. Vanfossan/
Dorothy E. Cleal/

Message Sent To:

Christina L. Vanfossan/
Dorothy E. Cleal/
Daniel A. Barry/
Nellie W. Doering/
Karl H. Heissner/



Record Type: Record

To: Dorothy E. Cleal/[REDACTED]
 cc: Daniel A. Barry/[REDACTED], James B. Wright/[REDACTED], Karl H. Heissner/[REDACTED]
 Subject: RE: ARMS-NARA Reformatting Project

Dottie:

FOR YOUR INFORMATION:

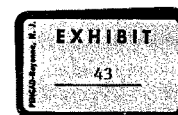
I reviewed Tony's Proposal and suggested that he clarify the time lines by adding specific dates for completion of tasks. He made the changes and has given the proposal to Kate Anderson (per instruction from Mike Lyle) asking for review by COB on March 16, 1999.

We included a note indicating that we should also consider the reconstruction of the Lotus Notes e-mail that was not records managed on Server 2. This should be done before the ARMS reconversion is completed so that this e-mail is included.

I also spoke to Karl Heissner regarding the Lotus Notes e-mail on Server 2 (that was not records managed). He plans to call a meeting some time next week to see how difficult this task would be to complete and at what cost.

Additionally, Tony asked about the backup tapes relating to the Lotus Notes e-mail on Server 2 (that was not records managed). He agreed to ensure that these tapes are properly inventoried and documented by NG. This will allow the recycling of the current backup tapes to continue on a routine schedule.

Neti



E 1175

Meeting: 4/9/1999

Subject: Records Management of all Mail2 and Mail1 Server Accounts

Issues

Mail2 and Mail1 Servers still contain unrecordmanaged accounts, preventing the recycling of backup tapes.

Accounts:

Dennis, Carol	Mail1
Kieffer, Charles	Mail1

GUESTBOOK	Mail2
MILLENNIUM	Mail2

Clinton, William

Others: BEEPIT, FAX1, FaxSr1, FaxSr, GATEWAY, LNOTES, HOTMAIL, TEST, OMFAX, OMFAX2, PUBSRV, TEST, _Hot, Pubs, _Server, Pubs

Our Task:


To develop and execute the procedures to conserve nonrecordsmanaged e-mail currently on Mail1 and Mail2 and to update all affected accounts to ensure records management of e-mail afterwards.

Objective:




To make the necessary corrections by Sunday, April 18, and to commence backup tape recycling immediately afterwards.



E 1247

 Kathleen K. Gallant
08/13/98 11:49:03 AM
.....

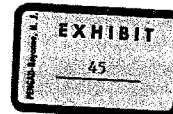
Record Type: Record

To: James B. Wright/
cc: Daniel A. Barry/
Subject: Re: Concerns 

Jim Webster is the person taking Betty's place and Paulette had a meeting with him, Sandy, John Spriggs and Bob Haas authorizing them that it was okay for them to discuss this project in detail with Jim now.

I agree with Tony's concerns and Jim is concerned as well. Betty's plans were virtually non-existent, but I have confidence that Jim will turn this around. I agree with having a meeting with Jim Webster, Tony and yourself and I will be glad to participate.

I also agree with Tony about the new searches that will have to be done. We need direction from OA counsel on that front.



E 0994

Timeline for ARMS (Development Tasks, problem discovery & problem fixings)

ID	Task Name	Start	Resource Names
1	EOPs 4.1 Mail Template Comparison Database	Thu 8/1/98	Yinan Salim
2	Discovered Mail2 problem	Fri 8/12/98	Yinan Salim, Bob Pass
3	Original IWO No. 1999-IST-002 Task Order: 0A800A	Wed 7/8/98	Robert Whiteman
4	Revised IWO No. 1999-EOP Task Order: 0A8004	Thu 7/23/98	Robert Whiteman
5	EOPs 4.6 Mail Template Comparison Database	Thu 7/23/98	Yinan Salim
6	EOPs 4.1 Mail Template Comparison Database	Thu 7/23/98	Yinan Salim
7	Mail Template Comparison Report	Mon 8/3/98	Yinan Salim
8	ARMS source code evaluation, awaiting IWO approval	Thu 8/24/98	Yinan Salim
9	ARMS IWO feasibility and requirements study	Fri 11/6/98	Marvin Miller, Yinan Salim
10	Fixed Mail2 server problem	Sun 11/22/98	Yinan Salim, John Spriggs
11	Preliminary LN/ARMS FRD	Thu 12/10/98	Yinan Salim
12	LN/ARMS Baseline project go ahead e-mail from Mark Barry	Thu 12/10/98	Robert Whiteman
13	LN/ARMS Project Plan	Tue 1/5/99	Yinan Salim
14	ARMS trouble report from Tony (e-mail)	Mon 2/1/99	Tony Barry
15	LN/ARMS Interface Agreement	Tue 2/2/99	Yinan Salim
16	ARMS trouble report from Tony (e-mail)	Tue 2/8/99	Tony Barry
17	ARMS trouble report from Tony (e-mail)	Thu 2/11/99	Tony Barry
18	ARMS trouble report from Tony (e-mail)	Tue 5/5/99	Tony Barry
19	LN/ARMS Functional Requirement (FRD)	Thu 2/25/99	Yinan Salim
20	ARMS Change Request Tracking Database	Tue 3/2/99	Yinan Salim
21	LN/ARMS Test Environment Setup	Fri 4/9/99	Yinan Salim, Marvin Miller
22	Letter 'D' problem discovered	Fri 4/9/99	Yinan Salim, Marvin Miller
23	LN/ARMS Test Plan	Wed 5/5/99	Yinan Salim
24	Developed Notes Audit agent	Wed 5/5/99	Yinan Salim, Marvin Miller
25	Run Audit agents on Mail1 and Mail2 servers	Tue 11/2/99	Yinan Salim, Marvin Miller
26	LN/ARMS Functional Testing	Wed 5/12/99	Yinan Salim

Page 1



E 0764

ID	Task Name	Start	Resource Names
27	LNARMS Y2K Testing	Wed 5/15/99	Yiman Salim
28	Fixed letter "D" problem	Tue 6/1/99	Yiman Salim, John Spriggs, Marvin Miller
29	Tested and implemented new ARMS view distribution net	Wed 6/2/99	Yiman Salim
30	Modified ARMS view to be non-case sensitive	Wed 6/15/99	Yiman Salim
31	LNARMS Installation & Configuration Guide	Wed 6/23/99	Yiman Salim
32	LNARMS Test Report	Fri 6/25/99	Yiman Salim
33	LNARMS Baseline (Code & Documentation)	Fri 7/2/99	Yiman Salim
34	Fixed ARMS code Y2K problem	Mon 8/1/99	Yiman Salim
35	Developed Y2K Test plan	Wed 8/18/99	Yiman Salim
36	NAV ARMS	Thu 8/19/99	Yiman Salim, RCI contractors
37	ARMS Implementation & Contingency Plan	Thu 9/3/99	Yiman Salim
38	Implemented Y2K compliant ARMS code	Wed 9/8/99	Yiman Salim, John Spriggs, Sandy Golas
39	Y2K Test Report	Wed 9/8/99	Yiman Salim
40	ARMS Multi-Host Interface Project Plan	Wed 2/9/00	Yiman Salim

Jim, Kathy;


It has been about 2 week since I sent my last "concerned memo" regarding the mail2 problem and I am still not seeing any movement on fixing the problem. I need to know, for my own sanity, exactly what my role in this project should be. My take all along has been that I am the recipient of the data so that my involvement is to make sure that whatever data is sent to me is in compliance with the Records management guidelines and ARMS. I do not and have not considered myself the driver of the project, However I am not sure who the driver of the project is since anyone involved in that capacity has left.

Can you please clarify this for me so that we are all on the same wavelength.




Thanks.

Later... Tony

Later... Tony

 Kathleen K. Gallant
09/25/98 03:19:04 PM
.....

Record Type: Record

To: Daniel A. Barry/
cc: James B. Wright/
bcc:
Subject: Re: Concerned 

I had a meeting with Joe Vasta, Logicon PM, John Spriggs, and Jim Webster yesterday morning regarding this very subject. I just had not had a chance to share with all the outcome of the meeting.

The Notes Anomaly team met and have come up with a strategy. It's a two phase approach basically.

They first will back-up Mail 2 using a DLT tape drive that they can verify as it writes. Then they will execute the Notes agent changes to change all the ids looking for Mail2 to MAIL2, then they will delete the unrecorded messages. This will get the un-Armed messages off of Mail2 and onto the recovery server. From that point forward - line in the sand - the mail will all be Arms managed properly.


As the second phase - Reconstruction of the unmanaged files from the Mail 2 server as well as any tape reconstruction - NG has to prepare an IWO for that work along with the other Notes/Arms work that needs to be done.

Contracts is aware of the whole mess, and supports the creation of the IWO to clarify what is to be done and when.



Please - no jumping out the window - it's not necessary!!!

Kathy

DANIEL A.

DANIEL A.
BARRY
09/25/98 08:59:14 AM


Record Type: Record

To: Kathleen K. Gallant/ James B. Wright/
cc:
Subject: Concerned



E 0985

During the production of documents in response to the latest E-mail search request from WHO counsel I noticed a potential problem with the capture of E-mail traffic coming into the EOP Lotus NOTES system from the Internet.

I performed a search of the OA ARMS bucket and produced 3 E-mail records dated Dec 9 1997 all from EOPUSER 1 to INTERNETUSER 1. Where EOPUSER 1 represents a particular Lotus NOTES E-mail user within the EOP complex and INTERNETUSER 1 represents a particular external user outside the EOP complex.

From the content of the E-mail it was clear that during the course of the day there had been an exchange of E-mail both to and from each of the 2 people, however my E-mail search did not reveal the incoming messages from INTERNETUSER 1.

I performed the search of the E-mail OA bucket for December several times looking for the inbound messages but could not find them. I also performed the search of the DEFAULT bucket which is where mail goes if it cannot be determined to what agency an address belongs but I failed to find the inbound mail.

I then had Mr Spriggs (The E-mail Administrator) pull the log of the FIREWALL system for Dec 9 and search it for both addresses i.e. EOPUSER1 and INTERNETUSER 1.

This log showed a trail consisting of 7 outbound e-mail messages from EOPUSER1 to INTERNETUSER1 and 6 incoming messages from INTERNETUSER1 to EOPUSER1 for that day.

I then pulled the backup of the ARMS buckets from DEC 13 and restored it back to the system to see if I could find any of the 10 messages (13 - the 3 that were found as a result of the search) under the suspicion that the 10 messages that were not found by the search had been tagged as NON record and therefore would have been deleted by the ARMS system once they had been monitored and aged 3 weeks.

From a search of this backup tape I was able to find all 7 outbound E-mail messages (The 3 that were found by the original search and 4 that were tagged as NON record by the creator, EOPUSER1) and were therefore deleted.

I was still unable to find any of the 6 outbound messages from that day.

I have asked for information regarding backups of the Lotus Notes E-mail servers and want to check the RECORDS MANAGEMENT user on the NOTES side to see if we can figure out what happened.

It is still not clear where the messages got lost. We know the inbound messages got to the firewall, We are fairly sure that the messages got to EOPUSER1's mail account and we know these messages did not get to the ARMS system. We are not sure where the problem lies at this point.

It is very difficult to determine if this is an isolated incident that occurred only on this day for this user or whether it is a systemic problem that is and has been occurring all along but has remained undetected.

There are plenty of other inbound messages from INTERNETUSER1 that did make it to the ARMS system.

C:\work\A Problem modified

1/30/98

2:59pm



E 3443

08/18/98 15:15

202

OA GEN COUNSEL + + + OA DIR

002/005

DRAFT**JUN 18 1998****Lotus Notes to ARMS Interface Anomaly**

Lotus Notes email for staff using the Mail2 server may not reach the Automated Records Management System (ARMS) if a series of events occurred when the users' account was created. The following details are provided to identify the scope and cause of the problem:

Cause:

The root of the problem stems from a discrepancy between the spelling of the Lotus Notes Server certificate ID versus the value of the server ID entered in the users' person ID. The problem was introduced due to human error during the user ID creation process.

Background:

Definition of a certificate: A certificate is an electronic "stamp" attached to a person's User ID by a Notes certifier. Certificates allow access to specific Notes servers. When a staff member is registered as a Notes user, his/her User ID should have included the certificate(s) required to access the servers needed for ARMS processing.

The certification ID used to validate User IDs to the Mail2 Lotus Notes server was created on 8/29/96. The construct of the server name for which this certification ID was issued to was "Mail2".

When new user IDs are created for the Mail2 Lotus Notes email server using the automated processes (a series of pull-down menus) the correct server ID spelling "Mail2" is entered in the user's "Person Document". This entry ties the user's ID back to the email server certificate.

However, when user IDs were created for Mail2, it appears that the automated procedure was not used, and instead information was hand-keyed into the system. The construct of the spelling for the Mail2 server ID was entered in all upper case letters (i.e. MAIL2) versus the upper and lower case spelling required to ensure the person's User ID would be correctly linked to the Mail2 server, and subsequently the ARMS interface process.

The ARMS scanner does not recognize the syntax spelling of the Mail2 email server for users who have the entry "MAIL2" in their Person Document. Therefore, it rejects those users' email because it does not recognize the server named "MAIL2". The result is those email messages destined for ARMS do not make it through the interface from Lotus Notes to ARMS.

Scope of the problem

Certification ID created for Mail2 on 8/30/96.
Number of Users on Mail2 affected: 526



E 3461

06/18/98 10:15

202

0A GEN COUNSEL *** 0A DIR

003/005

JUN 18 1998

White House Office 464
 OPD 58
 OA 4

DRAFT

Type of user email traffic that would fail the ARMS scan:

- * Internet email (incoming)
 - Delivery reports (confirmation notification messages)
 - Non-delivery reports (failure delivery messages)
 - Return receipts
 - Return non-receipts (return receipt failures)
 - Trace reports (email trace routing hop information)

This list does not include "regular" internal email.
 MB

Rejected ARMS email is saved in each user's "\$Record" view. This is a volatile area where information can be deleted by the user during the normal course of performing email housekeeping activities. Therefore, the number and range of rejected ARMS email messages varies from user to user. Here is a sampling of the volume of email records that reside in each user's "\$Record" view. To gather the statistics below for each of the 526 users impacted would take approximately 60 person hours of effort.

Hudson, Maureen

Date Lotus Notes email ID created: 10/17/96
 Total number of email messages: 2002
 Number of rejected ARMS messages: 284
 Date of oldest rejected message: 11/96

Vranich, Janice

Date Lotus Notes email ID created: 10/17/96
 Total number of email messages: 470
 Number of rejected ARMS messages: 56
 Date of oldest rejected message: 1/98

Sisser, Tracy

Date Lotus Notes email ID created: 10/17/96
 Total number of email messages: 3,569
 Number of rejected ARMS messages: 913
 Date of oldest rejected message: 11/96

Ikemiyashiro, Diane

Date Lotus Notes email ID created: 10/17/96
 Total number of email messages: 3,684
 Number of rejected ARMS messages: 1,164
 Date of oldest rejected message: 11/96

895

06/18/98 19:16 202 [REDACTED] UA GEN COUNSEL *** UA DIR 0000/000

JUN 18 1998

DRAFT

Malone, Michael

Date Lotus Notes email ID created: 10/17/96

Total number of email messages: 4,469

Number of rejected ARMS messages: 310

Date of oldest rejected message: 3/97

E 3463



Current Records Management Issues

Briefing for Beth Nolan
Counsel to the President

Michael J. Lyle, Director
Jack Young, General Counsel
Kate Anderson, Assistant General Counsel

January 18, 2000



Current Records Management Issues

- GRS xx - Information Technology Operations and Management Records
- Mail2 Configuration Issue
- Letter “D” Configuration Issue

Public Citizen v. Carlin et al

- 1993 - D.C. Court of Appeals issues decision in *Armstrong v. EOP* holding that e-mail constitutes federal records
- 1995 - Carlin issues e-mail regulation requiring agencies to appropriately preserve and dispose of e-mail, and GRS 20 authorizing agencies to delete electronic copies of e-mail and word processing documents after they have been copied to an appropriate record-keeping system
- 1996 - Public Citizen files lawsuit challenging the Archivist's authority to issue GRS 20
- 1997 - District Court Judge Friedman issues declaratory judgment declaring GRS 20 to be 'null and void,' finding that the Archivist lacks the authority to issue government-wide schedule for disposing of "live" copies of e-mail and word processing documents and must make agency-by-agency determinations; Carlin tasks interagency working group to review GRS 20 and develop recommendations for its replacement
- 1998 - DOJ appeals
- 1999 - In response to the working group's recommendation, Archivist issues Bulletin 99-04 which requires agencies to revise their schedules to address electronic versions of e-mail and word processing documents; DC Circuit Court of Appeals reverses the District Court and upholds GRS 20; Public Citizen files petition for writ of certiorari; during November agency-wide meeting, overwhelming majority of agencies (19-3) vote to reinstate GRS 20, suspend 99-04, and continue dialogue; in December NARA issues new guidance suspending 99-04.

GRS xx - Information Technology Operations and Management Records

- GRS xx was drafted to replace GRS 20 after the District Court determined GRS 20 to be 'null and void'
- GRS xx duplicates coverage provided to program records under agency-specific records schedules and/or administrative records provided by existing general records schedules, including GRS 20
- GRS xx fails to address operational constraints
- GRS xx is ambiguous
- GRS xx needlessly requires agencies to retain separate record in IT operations and management file in addition to those already retained in program and administrative files
- Retention periods are too long, e.g., passwords, user ID's and profiles for 3 years
- GRS xx takes away the necessary discretion and flexibility previously afforded to agencies by GRS 20 and interferes with their IT missions (dispose of 3 yrs. after close of file vs.. delete/destroy when no longer needed for administrative, legal, audit, or other operational use)
- In light of our recent victory in *Carlin*,⁴ OA believes GRS xx is both unnecessary and overly burdensome

Mail2 Issue

- Due to human error when PRC was creating accounts in 8/96, some lotus notes e-mail for users on Mail2 were not records managed in ARMS; the problem was discovered in 11/98
- 526 total users affected
 - WHO - 464
 - OPD - 58
 - OA - 4
- E-mail within EOP and outgoing e-mail not affected
- Types of e-mail traffic affected
 - Incoming Internet e-mail
 - Delivery reports (confirmation notification messages)
 - Non-delivery reports (failure messages)
 - Return receipts
 - Return non-receipts
 - Trace reports
- Total volume of records is not known; ROM from contractor to reconstruct is \$600K

Letter “D” Anomaly

- During the configuration of the LN/ARMS test environment, it was discovered that due to a configuration error made by NG, user’s accounts with first names beginning with the letter “D” have not been records managed via ARMS since November of 1998
- Approximately 200 users from all EOP components were affected, including 42 WHO users
- Isolated to incoming non-Notes mail
- The configuration error has since been corrected, but unrecorded messages may have to be recovered pursuant to the Federal Records Act
- Plan to negotiate with NG to have them reconstruct the records at no cost to the Government

James B. Wright
08/13/98 07:37:13 AM

Record Type: Record

To: Daniel A. Barry/[REDACTED]
cc: Kathleen K. Gallant/[REDACTED]
bcc: Records Management
Subject: Re: Concerns [REDACTED]

Tony there as been some movement to get this back on the movement track. Kathy informed me yesterday that Paulette briefed Jim Welsh of NG that he can now proceed with developing a plan to get this effort going.

Certainly the Data Center and the Records Team has been left out of this matter and the result could be a great deal of work put upon us later.

I would suggest that we setup a meeting with Jim Welsh and see if we can find out his anticipated time schedule and general direction.

If you do not know him we should go over and introduce you to him today. I will see if he is in today and set something up.

Is there anything else I should do in the short term?

Jim
DANIEL A.

DANIEL A.
BARRY
08/13/98 07:21:01 AM

Record Type: Record

To: James B. Wright/[REDACTED]
cc:
Subject: Concerns

Jim;

This is a followup to our discussions on Tuesday regarding "the mail2 problem" or project X.

I am concerned about several aspects of this problem. As far as I can tell, there is no movement under way to fix the problem and recover the lost records from the backup tapes. When I talk to Sandy, John or Bob they tell me that there is no movement on this project from their side and the last activity was the meeting we had with Betty before she left (7/28).



E 0998

Sandy has submitted a Goods and Services to Paulette to purchase 6 disks to hold the data on the VAX side.

The only people I have had contact with on this project are You,Cathy,Betty,Sandy,Bob and John. I have not spoken with any other Govt person on this and I am not at all clear what my role should be. I feel that the records must be recreated and any searches need to be reformed if the requestors feel it is necessary... This seems like a daunting proposition but I do not see any other alternative.

Additionally, I feel that I can not walk away from this problem because any work that will be done to recover the records will directly impact ARMS and searching... also, as each day goes by, there is a risk that one of the affected accounts could be moved to another server (Dan Gunia continues to do his job while not knowing the impact) This would cause records to flood into ARMS but have corrupt data in them.

I appologize for the rambling nature of this memo but I hope it captures my concerns and frustration level.

Any help is appreciated.

Later... Tony


James B. Wright
08/13/98 04:51:06 PM

Record Type: Record


To: James R. Webster/[REDACTED]
cc: Daniel A. Barry/[REDACTED]
Subject: Re: Concerns

Jim when can Tony and I get with you on this?

----- Forwarded by James B. Wright/[REDACTED] on 08/13/98 05:05 PM -----

 Kathleen K. Gallant
08/13/98 11:49:03 AM
.....

Record Type: Record

To: James B. Wright/[REDACTED]
cc: Daniel A. Barry/[REDACTED]
Subject: Re: Concerns 

Jim Webster is the person taking Betty's place and Paulette had a meeting with him, Sandy, John Spriggs and Bob Haas authorizing them that it was okay for them to discuss this project in detail with Jim now.

I agree with Tony's concerns and Jim is concerned as well. Betty's plans were virtually non-existent, but I have confidence that Jim will turn this around. I agree with having a meeting with Jim Webster, Tony and yourself and I will be glad to participate.

I also agree with Tony about the new searches that will have to be done. We need direction from OA counsel on that front.



E 0997

[Faint, illegible text at the bottom of the page, possibly a signature or additional notes.]

THE WHITE HOUSE

WASHINGTON

October 21, 1997

Richard D. Bennett
Chief Counsel
Committee on Government Reform and Oversight
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Dick:

In fulfillment of our commitment to complete our remaining document production obligations as expeditiously as possible, in addition to the e-mails produced on Friday, I am enclosing the documents described in the following paragraphs. I believe that, with the production of these documents we have satisfied all of the outstanding requests except for any recent informal requests my staff may have received. We will, of course, continue to cooperate in producing documents as you need.

Many of the documents in this production may be duplicative of materials you already have; nevertheless, we are providing with this production copies of any of the Presidential and Vice Presidential briefing papers that we could not quickly ascertain you already have for all of DNC events for which we have provided audio or video tapes. These documents are at Bates Nos. EOP 069110 -- EOP 069290.

Also included in this production are additional briefing papers and guest lists from the Vice President's Office for DNC fundraising and finance-related events attended by the Vice President during the responsive period (Bates Nos. EOP 068649 -- EOP 069001). Virtually all of these briefing papers were either originally generated by the DNC or derived from information provided by the DNC, copies of which should be within the DNC's productions to the Committee. To insure that the Committee received copies of all such documents, the Vice President Counsel's office expanded their search criteria to include all DNC events and manually reviewed the approximately 1,000 daily schedules covering this time period to identify any potentially responsive event which had not been produced through the earlier targeted searches.

In addition, please find certain entries from a time management program that was implemented on an experimental basis in an effort to evaluate the use of the Vice President's time (EOP 069002 -- EOP 069055). This material is redundant of documents previously produced from the Vice President's Office with respect to these events. The approximate times at which scheduled events in the West Wing office began and ended were recorded in the program and the time was then allocated among certain pre-determined activity categories and sub-categories. For the Committee's review, we have reproduced the time entries and categorizations that correspond to the DNC coffees and the Vice President's 1995-96 DNC



telephone calls. The Committee also has previously been provided with the Vice President's schedules, briefing papers and guest lists for the coffees. The Committee has previously been provided with all call sheets, thank you notes, briefing papers and billing records for the phone calls. If you need similar entries for DNC fundraising events, which would be duplicative of material previously produced to you, please let us know.

We have also included a few documents (EOP 069056 -- EOP 069069 and EOP 069106 -- EOP 069109) that were recently turned over to us by the Office of Records Management. Although we believe you may already have many, if not all of these documents, in the interest of ensuring that nothing was overlooked, we are providing them to you. Also, we are providing two documents (EOP 029511 -- EOP 029513) that we believe are duplicative of other documents that we produced.

Further, in responding to Justice Department requests during its 30-day inquiry for information about calls placed by the President to a list of telephone numbers, we determined calls were made from the Residence in October, 1994, to telephone numbers listed to six of the individuals named in the October 18, 1994 memorandum from Laura Hartigan and Terry McAuliffe to Harold Ickes (Bates Nos. EOP 036557 -- EOP 036564). These individuals are Bernard Rapoport, Phillip Frost, Howard Gilman, Richard Hayward, Richard Jenrette, and Dennis Rivera. We would be happy to discuss this with you further. Additionally, in responding to new requests by the Department of Justice, we have located a few additional responsive documents related to DNC fundraising that we are including (Bates Nos. EOP 069291 -- 069296).

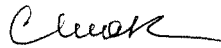
Also, on Friday, we delivered the remaining product of our completed search for electronic mail records. This search covered the time period dating from July 1994. As we have indicated, because of the nature of the White House electronic mail system, electronic mail messages from the period July 1994 to December 1995 only recently became readily searchable. Electronic messages before July 1994 are not currently searchable, although certain limited scattered records for this period do exist and have been searched. At this time, we have completed the search of the electronic mail system from July 1994 (including any earlier searchable scattered records) for the White House Office, the Office of the Vice President, the Office of Policy Development and the National Security Council. My staff is informed by the professional staff of the Office of Information Systems and Technology that a search of these components -- which include the political units of the EOP -- will yield any responsive e-mail either sent to or from any individual in any of those offices. Search of these units was designed to capture all e-mails responsive to the Committee's requests. There are several other components of the electronic mail system related to the non-political units of the EOP (including the Office of Administration, General Services Administration, Office of Management and Budget, Office of National Drug Control Policy, and the Office of Science and Technology Policy). Because some of these components are quite large (especially Office of Administration and Office of Management and Budget), searching them for the entire breadth of the earlier searches would take considerable time. Now that the search of the primary political units is complete, I suggest that our staffs meet to discuss what if any additional terms you wish to be searched and for what additional components. It is my understanding that in this manner we can

expedite any additional searches and provide any additional material as quickly as possible.

Finally, you will find enclosed a supplemental privilege log. As you know, my staff met with your staff this past weekend to review the documents that relate to the Hudson casino matter. Pursuant to the non-waiver agreement under which we have been operating for some months, I enclose copies of the privileged materials that your staff requested. They bear Bates numbers that range from EOP 069070 to EOP 069105. As you know, in connection with private litigation in the Eastern District of Wisconsin, the Justice Department, in consultation with the Office of Legal Counsel, has reviewed these documents and deemed them subject to privilege. We learned today that the Justice Department, in finalizing the privilege log, late last week concluded that two documents, EOP 069090 -- 069091 and EOP 069072 -- 069075, are not subject to privilege. Consistent with this determination, these documents are not subject to our non-waiver agreement.

As I stated above, I believe this production satisfies all outstanding document requests except any recent informal requests made to my staff, with which we will continue to comply and those requests that our respective staffs are continuing to negotiate. Should you have any questions, please call either me or Lanny.

Sincerely,




Charles F.C. Ruff
Counsel to the President

cc: Phil Barnett, Esq.

Yiman F. Salim
04/02/99 01:49:29 PM

Record Type: Record

To: Michael E. Ritter/~~XXXXXXXXXX~~
cc:
bcc: Records Management/~~XXXX~~
Subject: Re: Mail2 

Eric,

Here're the answers to your questions. Sorry for the delay. Let me know if you have any additional questions.

Yiman.

When did NG first become aware of the existence of the problem?
On June 12 1998. Bob Haas and myself were discussing a number of issues concerning the Notes mail template when we became aware of the problem. At the time, we reported the problem to Betty Lambuth (NG's workgroup manager).

When did NG identify the causes of the problem?
I believe about a couple of days later. The cause of the problem was identified by John Spriggs.

What did NG discover as the causes?
The cause of the problem was discovered to be the following: About 700 mail accounts located on the Mail2 server were not being record managed, since I believe early or mid 1997 (John Spriggs can give you the exact statistics). The reason was determined to be a server name "case" sensitivity problem. When these accounts were created, the name of the home mail server was enter as "MAIL2" instead of "Mail2", and therefore, these accounts were being skipped by the ARMS scanner process. In other words, the problem is inherit in the ARMS process which is currently enforcing server name case sensitivity.

When did NG correct, or thought we had, the problem?
Because of confidentiality constrains imposed on us by the government (at the time Laura Crabtree), NG's high level management did not become aware of the problem until few months later. I don't know exactly when NG became fully aware of the problem. This is a question for Joe Vasta and Bob Whiteman.

What was the corrective action?
Corrective action was to be done in two phases, Phase I and Phase II. The objective of Phase I was to implement a fix that would get these accounts to



E 0159

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CARA LESLIE ALEXANDER, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action Nos.
)	96-2123/97-1288 (RCL)
)	
FEDERAL BUREAU OF)	
INVESTIGATION, et al.)	CONSOLIDATED ACTIONS
)	
Defendants.)	

DECLARATION OF DANIEL A. BARRY

I, Daniel A. Barry, for my declaration pursuant to 28 U.S.C. § 1746, depose and state as follows:

1. My name is Daniel A. Barry. I am employed as a Computer Specialist by the Executive Office of the President ("EOP"), Office of Administration, Information Systems & Technology Division ("IS&T"). I have held this position since June 1992. My current responsibilities include electronic records management projects and EOP's Automated Records Management System (ARMS). Previously, my responsibilities included maintenance and implementation of EOP's former electronic mail ("e-mail") system, ALL-IN-1.

2. I previously provided declarations in this litigation dated March 4, 1998, and March 30, 1998, and testified at a deposition on June 11, 1998.

3. I have personal knowledge of the matters attested to herein.

4. Since July 14, 1994, e-mail within the EOP system administered by the Office of



Administration has been archived in the EOP Automated Records Management System (ARMS). With this current system, this e-mail is susceptible to being word-searched for a single character string (e.g., "FBI" or "FBI files") or a multiple character string ("and" and "or" searches) found on any one line of text.

5. There is an ongoing restoration and reconstruction process for backed-up, pre-July 14, 1994 e-mail. That process, which I described in my March 4, 1998 declaration, is nearly complete. Backed-up e-mail for all months between November 1992 and July 1994 has now been restored and reconstructed, with the exception of backed-up e-mail for the months of February 1993, and March 1993. Restoration and reconstruction of backed-up e-mail for the months of February 1993 and March 1993 is expected to be complete by mid-August 1999. As a result of the restoration process, pre-July 14, 1994 e-mail can be searched in same manner as described in paragraph 4, above.

6. I have reviewed the request of plaintiffs for a search of e-mail (attached). That request lists 30 individuals whose e-mail should be searched, as well as "all past and present members of Mrs. Clinton's staff, and all those who worked at the OPS during the Clinton Administration." It further requests that all such e-mail be searched for 36 listed words and phrases.

7. As explained below, I have estimated the time and cost involved in accomplishing the search proposed by plaintiffs of e-mail that is now searchable on-line for all the months between January 1993 and June 1999 as \$687,180, 702 hours of personnel time, and 1092 computer processing ("central processing unit" or "CPU") hours.

8. In arriving at this estimate, I have made certain assumptions: (1) that only records of

the White House Office will be searched; (2) that I would be provided a list of "all past and present members of Mrs. Clinton's staff, and all those who worked at the OPS during the Clinton Administration," and that the list of such names would be no more than 10 individuals; and (3) that plaintiffs' list of individuals means a search of all e-mail sent to or from such individuals (including "cc:" and "bcc:").

9. In order to conduct the search requested by plaintiffs, a computer specialist would spend approximately four hours setting up the search request. For the purposes of conducting e-mail searches, our office typically estimates that an hour of a specialist's time costs \$40. Accordingly, the cost of the initial set-up would be approximately \$160.

10. After the initial set-up, the search would involve several steps. The estimated cost and time for searching the e-mail from a single month are described below. The actual costs will vary depending on the volume of e-mail retrieved, as well as the volume of e-mail in a given month.

(a) A computer specialist would search the e-mail for the 36 words and phrases listed by plaintiffs. A search for the 36 words and phrases proposed by plaintiffs would take approximately four (4) CPU hours. For the purpose of conducting e-mail searches, our office typically estimates that one CPU hour costs \$600. Accordingly, the estimated cost of such computer usage for searching the words and phrases requested would be approximately \$2400.

(b) A computer specialist would then set-up the next phase of the search by individual. This set-up for the next phase would take approximately one (1) hour of a specialist's time, and cost \$40. This is in addition to the initial set-up time described in paragraph 9.

(c) A computer specialist would then search the e-mail recovered from the first step (of

the 36 words and phrases) for all e-mail to and from the approximately forty individuals identified. This step would take approximately 10 CPU hours and cost approximately \$6000.

(d) Lastly, the results would be printed. Since the proposed search includes such common terms as "update" and "Clinton," I would anticipate that a significant amount of e-mail would be recovered and printed. Although the actual cost will vary depending on the volume of e-mail retrieved and the volume of e-mail in a given month, I estimate that it would take approximately eight (8) hours and \$320 to print the results, yielding approximately 44,000 pages or 8 boxes.

11. In addition, I estimate the miscellaneous costs of doing such a search -- e.g., the paper, ink, etc. -- as approximately \$50.

12. Aside from the initial fixed set-up costs, the above estimates of \$8810 and nine (9) hours and 14 CPU hours are for searching the e-mail of a single month. That estimate would need to be multiplied by 78 if all e-mail for the months of January 1993 through June 1999 were searched. Accordingly, the estimated total cost if all e-mail for January 1993 through June 1999 were searched for the terms and individuals proposed by plaintiffs would be \$687,180, 702 hours of personnel time, and 1092 CPU hours.

13. The two types of tape drives used to read the IBM 3480 cartridge tapes are (1) Digital Equipment Corp. (Compaq) TA90E, and (2) Digital Equipment Corp. (Compaq) TKZ61.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9 of July, 1999.


Daniel A. Barry

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THE WHITE HOUSE	
WASHINGTON	
COUNSEL'S OFFICE	
FACSIMILE TRANSMISSION COVER SHEET	
DATE:	3/17/00
TOTAL PAGES (INCLUDING COVER PAGE):	9
TO:	THE HONORABLE DAN BURTON
ATTN:	
FACSIMILE NUMBER:	[REDACTED]
TELEPHONE NUMBER:	
FROM:	BETH NOLAN at [REDACTED]
COMMENTS:	COUNSEL TO THE PRESIDENT
PLEASE DELIVER AS SOON AS POSSIBLE	
<small>The document(s) accompanying this facsimile transmittal sheet is intended only for the use of the individual or entity to whom it is addressed. This message contains information which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying or distribution, or the taking of any action in reliance on the contents of this communication is strictly prohibited. If you have received this information in error, please immediately notify the sender at their telephone number stated above.</small>	

EXHIBIT

57

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0002

THE WHITE HOUSE
WASHINGTON

March 17, 2000

BY FACSIMILE AND U.S. MAIL

The Honorable Dan Burton
Chairman, Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Chairman Burton:

Pursuant to my March 10, 2000 letter to you, I am writing to provide you with a response to your request for information concerning e-mail records related to the Committee's subpoenas in the campaign finance, FALN, and Waco matters.

As you are aware, recent press reports have described certain configuration errors associated with the management system used for e-mail records within the White House and the Executive Office of the President (collectively "EOP"). Since I became aware of the nature of this matter, my staff and I have been working diligently to understand its scope and effect. Over the past several weeks, my staff has addressed with your staff the Committee's request for information about the general nature of these computer errors and the Committee's request for interviews of current and former EOP staff. I now want to provide you with more details about this issue and its effect, if any, on the Committee's subpoena requests. Of course, we are continuing to review this matter and may need to amplify or modify our findings as we gather more information.

I. Automated Records Management System

A. Searches for E-mail Records

Before explaining the nature of the configuration errors affecting certain incoming e-mail records being captured by the Automated Records Management System (ARMS), I want to describe briefly how the Office of Administration's (OA) computer records management system for the EOP is designed to work for e-mail records. Whenever an e-mail is sent to or from a user within the EOP, that e-mail is sent directly to a server, where the recipient can read it. The e-mail does not technically reside on the individual user's personal computer (PC), but on the server. As long as the user retains the e-mail on her PC, it remains on the server. Accordingly, as you know, while individuals are instructed to search their own PCs in response to a subpoena request, a redundant search of the server is not conducted. Conversely, by deleting an e-mail, the

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 Page 2

user deletes it from the server as well as the PC. Because many individual users delete e-mail daily (and indeed users must delete some e-mails because the server does not have the capacity to hold all e-mails), the server is not a complete and accurate repository of e-mails sent to and from the EOP.

ARMS is a management system that was installed following the Armstrong case. It is designed to capture e-mail records sent from or to EOP user accounts that it manages ("ARMS-managed accounts"). ARMS is the first keyword searchable e-mail records archive maintained by the EOP.

E-mails generated by ARMS-managed accounts are automatically recorded by ARMS as they are sent by the user. In addition, several times a minute, generally, ARMS scans the server and captures unrecorded e-mails residing on the server at the moment of scanning. To avoid repeatedly scanning an e-mail that continues to reside on the server over a period of time, once ARMS records an e-mail, it is coded so that ARMS will not needlessly scan it again.

As then-Counsel to the President Charles Ruff explained in his September 11, 1997 letter to you, we notified your staff in the Spring of 1997 that ARMS was put in place in July 1994 and has managed e-mail records for most EOP offices since that time. (10/21/97 Letter from White House Counsel Charles Ruff to The Honorable Dan Burton). Mr. Ruff further explained that ARMS also manages reconstructed e-mail records for the period January 1993 through July 1994. (*Id.*). The e-mails were loaded into ARMS by Information Systems and Technology (IS&T) personnel within OA beginning in July 1994 -- a process that was completed some time in mid-1999. Until reconstruction was completed, only limited e-mail records were searchable for the pre-July 1994 period. (*Id.*).

In response to a subpoena request, the individuals within the relevant EOP offices are instructed to search for responsive materials in any form. The head of each EOP office is instructed to certify that the individuals within the office have conducted a search of their files and the office's files, and have provided any potentially responsive materials to the White House Counsel's Office. As a complement to these individual searches, a computerized search of ARMS is performed at our direction by IS&T personnel. (See 9/11/97 letter from White House Counsel Charles Ruff to The Honorable Dan Burton). IS&T staff work with White House Counsel's Office staff to identify keyword terms to use in searching ARMS for responsive materials. As we have previously explained to your staff, because we use search terms, we cannot guarantee that every responsive e-mail is located. Nevertheless, we usually err on the side of using broad search terms, which sometimes yield large amounts of nonresponsive materials.

These computerized searches are extremely time-consuming and costly. For example, a search can take several days to complete, depending upon the number of offices and time period covered. Once a search is complete, it can take up to several days to print the search results. In addition, our staff must manually review the printed search results for responsiveness. Indeed,

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 Page 3

on many occasions our staff has waded through thousands of pages of nonresponsive materials to locate the few responsive ones.

The only other electronic records of the server consist of tapes made periodically when the server is "backed up." Backup tapes are not created or saved for archival purposes, are not a part of ARMS, and are not searchable, absent reconstruction and transfer to ARMS, using general keyword terms. For these reasons, the EOP does not search backup tapes when responding to subpoena requests. These tapes are created solely for recovery in the event of a system "crash" to allow IS&T personnel to recover certain files. They are created generally daily, and take a "snapshot" of whatever exists on the server at the current time. For example, if an e-mail were sent to an EOP user and then deleted between backups, it would not be captured on a backup tape. At times when there has been a shortage of backup tapes, they have been reused. Backup tapes are thus an inaccurate and incomplete compilation of what is on the system and serve as a last resort only in cases of a catastrophic system failure. As noted below, I am also informed that reconstruction of files from backup tapes is a costly and time-consuming endeavor.

B. Configuration Errors Affecting ARMS

ARMS, like all computer records management systems, is susceptible to problems, software programming errors, and "glitches" that are not easily detectable. Even when they are discovered, however, the nature, scope, and cause of the problems, as well as their effect on the system and users, may be difficult to ascertain.

Although we have always understood that ARMS is designed to record all e-mails sent through the EOP e-mail network (currently the Lotus Notes system), two separate configuration errors have occurred which prevented certain incoming e-mails sent to ARMS-managed accounts from being recorded in ARMS for a period of time. The first error occurred in August 1996, when IS&T was performing routine maintenance to improve the system's performance. As part of the process, individual user accounts within the White House Office (WHO), and some accounts within OA and the Office of Policy Development (OPD), were moved to a new server, called "Mail2." During this process, some of these users were apparently mistakenly coded by computer technicians as being on "MAIL2," using all upper case letters, instead of "Mail2." The ARMS scanning process is case sensitive when identifying servers and did not recognize "MAIL2." Because ARMS did not recognize "MAIL2," the ARMS scanning process did not capture incoming e-mails (*i.e.*, e-mails sent from non-managed ARMS accounts to ARMS-managed accounts) for these affected ARMS-managed accounts.

In January 1998, Daniel Barry, IS&T Records Projects Computer Specialist, was performing a keyword search of ARMS in response to a subpoena request and noticed a possible anomaly within ARMS. Mr. Barry found that on a particular day there were outgoing e-mails from an EOP user who seemed to be exchanging e-mails with an outside user, but there were no corresponding incoming e-mails. Thus, it appeared to him that some incoming e-mails might be missing from ARMS. Mr. Barry, with the assistance of John Spriggs, the IS&T e-mail contract

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administrator and an employee of outside contractor Northrop Grumman (N-G), examined the log of the FIREWALL system, through which e-mail created outside the EOP passes and is screened to ensure that messages do not include viruses. They determined that on the day in question, the EOP user had actually sent the outside user seven e-mails, while the outside user had sent the EOP user six incoming e-mails. At the time, Mr. Barry was unsure whether this was an isolated incident for this particular user on this particular day or whether it was a broader undetected systemic error. Indeed, minor glitches or "hiccups" are common to IS&T systems, as they are to all computer systems, and small pieces of data are often not easily retrievable as a result. Mr. Barry notified his superiors and documented his finding.

The full extent of the error causing the anomaly Mr. Barry noted was not discovered until June 1998, when on-site N-G employees discovered on the server certain incoming e-mail messages that were coded as "unrecorded" on the server, signifying that the ARMS scanning process was not picking up these messages. The contractor notified IS&T personnel. A group of employees was assembled to investigate and repair the problem.

By the fall of 1998, N-G technical personnel working with IS&T staff discovered that the problem was due to miscoding "Mail2" as "MAIL2." They further determined that the miscoding affected 526 ARMS-managed accounts from the following EOP offices:

1. WHO (464 accounts)
2. Office of Policy Development (58 accounts)
3. OA (4 accounts)

As a result, certain incoming e-mail that these 526 users had received since August 1996 had not been recorded by ARMS. As noted previously, the problem did not cover any e-mails generated by ARMS-managed accounts. Moreover, it would not have prevented a recording of the incoming e-mail if the affected EOP user forwarded it or replied to it "with history" (i.e., sending back the original e-mail). Additionally, incoming e-mail messages maintained on individual users' PCs would also remain on the user's server space, and therefore would be subject to individual EOP user searches, as long as the individual recipient did not delete them.

By November 1998, the N-G and IS&T personnel had corrected the problem prospectively so that all future incoming e-mail to the 526 affected users would be stored in ARMS. Thus, this configuration error affected these ARMS-managed accounts for the period August 1996 through November 1998. IS&T personnel also created backup tapes of the server to preserve the unrecorded e-mail existing on it as of November 20, 1998. By backing up the entire server, IS&T also necessarily captured word processing documents, rolodex files, and recorded e-mail records that also existed on the server at that time. After the prospective correction, ARMS resumed managing incoming e-mails and the creation of backup tapes of the server continued.

As noted above, backup tapes are not in a readable or searchable format because they are not created for archival purposes. Thus, they cannot easily be reconstructed and placed on

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ARMS. Consequently, OA requested that N-G provide an estimate for studying the time and cost involved in restoring these e-mails to a readable format. In October 1998, N-G estimated that a feasibility study alone would cost about \$600,000. OA informs us that, concurrent with the preliminary assessment of the costs to study the problem, OA was faced with the massive task of Y2K compliance of its entire system, including its mail systems. This task consumed IS&T resources throughout the remainder of 1998 and 1999.

A second configuration error was discovered in April 1999, when N-G technical personnel were testing the process in which ARMS interacts with the Lotus Notes system. When user accounts are created, they are assigned to a particular "view." Each view represents a section of the alphabet (e.g., ABC), and users are assigned to a view by the first letter of their first name (e.g., Mary Jones would be in the view that contains the letter "M"). The ARMS "viewer" scans the server on a "view" by "view" basis.

During this testing process, the N-G computer specialists discovered that, in correcting the "MAIL2" programming error, another configuration error involving the ARMS "viewer" had been made. The letter "D" was inadvertently omitted from a view, and the letter "J" was included twice. As a result, incoming e-mail to ARMS-managed accounts with the first names beginning with the letter "D" had not been recorded by ARMS since November 1998. It appears that this error remained undetected until April 1999 because the additional "J" led technical personnel to believe that the views contained all 26 letters of the alphabet. In fact, that was not the case.

The effect of the "Letter D" error on the system was similar to the "MAIL2" error: Incoming e-mail sent to ARMS-managed accounts whose users' first names begin with the letter "D" were not stored in ARMS. E-mails generated by ARMS-managed accounts were not affected by the problem. Approximately 200 ARMS-managed accounts from the following offices within the EOP were affected:

1. White House Office (42 accounts)
2. Office of Policy Development (8 accounts)
3. Office of Management and Budget (54 accounts)
4. Council of Economic Advisers (1 account)
5. Council on Environmental Quality (4 accounts)
6. National Security Council (21 accounts)
7. Office of Administration (32 accounts)
8. Office of National Drug Control Policy (20 accounts)
9. Office of Science and Technology Policy (6 accounts)
10. White House Climate Change Task Force (3 accounts)

As with the "MAIL2" error, e-mail maintained on these affected users' PCs remained on the server until deleted by the user, but were not captured in ARMS.

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By May 1999, the N-G employees corrected this problem prospectively. Thus, the "Letter D" configuration error affected these ARMS-managed accounts from November 1998 to May 1999. As with the "MAIL2" error, a backup tape of the server was created on June 1, 1999 to preserve any unrecorded e-mail that existed on it at that time.

In the course of gathering these preliminary facts concerning these configuration errors, we were informed this week that e-mails on the server of the Office of the Vice President (OVP) have not been fully managed by ARMS. We are still in the process of determining the scope and time period involved. The OVP does maintain back-up tapes of its server.

Of course, numerous e-mails to and from OVP users have been produced to the Committee over the years, which is consistent with OVP staff having searched their PCs for e-mail residing on the servers or in their hard-copy files, and with the large number of OVP e-mails that were captured by searches of ARMS during unaffected periods. We are doing our best to determine how searches for e-mails responsive to the Committee's requests were affected by these facts. We will promptly provide the Committee with this information when we complete our review.

II. Effect of Configuration Errors on the Committee's Subpoena Requests

Recent reports have cited various global effects of these configuration errors and speculated about the contents of the affected incoming e-mails. Below are our preliminary findings with regard to the "MAIL2" and "Letter D" errors. As noted above, we will provide further information as soon as possible about the OVP accounts. Please note, also, that, given the technical issues involved, we may need to modify or amend these findings as our review proceeds.

A. Global Effects

1. These two configuration errors did not affect documents or e-mails created by ARMS-managed accounts. We understand that these two configuration errors did not affect e-mails from ARMS-managed accounts that were sent within or outside the EOP. The only e-mails affected by either configuration error described above were incoming e-mails. Moreover, if an affected user received an incoming e-mail and forwarded it or replied to it with history (sending back the original incoming e-mail) then ARMS would have recorded the incoming e-mail.
2. We do not know how many e-mails were affected. OA and IS&T personnel understand that no one has estimated the number of e-mails that were unrecorded. If such an estimate was made, it was not provided to the EOP. Currently, I am informed that there is no way to make this calculation unless the backup tapes are reconstructed.
3. We do not know if any responsive information is contained in the unrecorded e-mails. News reports state that the e-mails contain information relevant to various subpoenas. Again, we have not been informed that anyone had the opportunity to review the contents of

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 March 17, 2000
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these e-mails. Moreover, IS&T personnel currently cannot identify what kind of information is on the backup tapes because they have not been reconstructed. Without such restoration, we cannot know the contents of the unrecorded e-mails.

4. Affected incoming e-mail left on the server should have been captured by individual user searches. As you know, EOP staff are instructed to search their files, including computer records, for responsive information. Thus any incoming e-mails still on an individual's server space at the time a search was conducted should have been captured by individual user searches.

5. The "MAIL2" and "Letter D" anomalies were technical errors. As explained above, these configuration errors were the sole result of human mistakes and entirely unintentional.

B. Effect on the Committee's Subpoenas

Per your request, we have tried to determine what effect these errors had on the Committee's subpoenas related to campaign finance, FALN, and Waco matters. Please note that our preliminary findings are based upon our understanding of the Committee's subpoena requests, any agreed modifications to those requests, and the kind of e-mail search we performed to locate responsive material.

1. Campaign finance related subpoena requests. As your staff is aware, since the Committee's first subpoena in early 1997, our staffs negotiated a global December 31, 1996 cutoff date for all campaign finance related requests. Thus, incoming e-mails to the 526 affected ARMS-managed accounts for a five month period (August 1996 through December 1996) that were not forwarded or replied to with history would likely not have been captured by ARMS. E-mails remaining on an individual user's PC should have been captured.

2. FALN related subpoena requests. The search in response to the Committee's first subpoena covered the period January 20, 1993 through August 1999. The search in response to the Committee's second subpoena covered the period January 20, 1993 through November 10, 1999. Thus, these searches would have encompassed both time periods affected by the two configuration errors.

3. Waco related subpoena requests. On September 1, 1999, the Committee served a subpoena seeking materials related to the use of incendiary devices at the Branch Davidian compound. As you know, the relevant time period surrounding the Waco matter precedes August 1996, when the first configuration error occurred. Thus, we do not believe that these two errors would have affected a search of ARMS for e-mails responsive to this subpoena. Moreover, as our staff explained to your staff, we had recently conducted a broad search for Waco-related materials in response to a Court Order in the *Andrade v. Chojnacki* matter. Our staffs reached an accommodation whereby, in lieu of conducting another search that would likely encompass the same materials, we would produce to the Committee unsealed materials that were

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March 17, 2000
Page 8

produced to the *Andrade* Court. On January 28, 2000, we provided you with a copy of these materials.

III. Current Efforts to Explore Possible Reconstruction of Affected E-mail

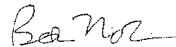
We are working diligently to determine whether it is possible to reconstruct the backup tapes so we can load the unrecorded e-mails on to ARMS and perform keyword searches. We currently have obtained the following estimate.

There are at least 3400 backup tapes of the server relating to e-mail. As stated above, they are an incomplete and inaccurate collection of EOP computer records. The preliminary cost estimate we have received to reconstruct these tapes so that the information they contain could be placed on ARMS and searched using keywords is between \$1.8 million and \$3.0 million. This process is estimated to take approximately one to two years.

The process may be performed in "batches"; i.e., several backup tapes at a time. If reconstruction were possible, we would likely begin the process with the November 20, 1998 and June 1, 1999 backup tapes (approximately 15 tapes total). This process would entail extracting the unrecorded e-mails from the backup tapes and putting them on a server. Then, computer technicians would need to develop a program that would "de-duplicate" the unrecorded e-mails so that ARMS would not record identical e-mails (as stated above, ARMS is designed not to scan identical e-mail messages). This estimate does not, however, include possible restoration of the OVP backup tapes, as well as the time and funds needed to perform other steps in the process, such as awarding a competitive contract, searching ARMS, printing the search results, manually reviewing them, and producing responsive materials.

We are, of course, continuing to review this matter. As I learn more relevant information, we will keep your office informed. If you have any questions, please call me. In any event, I will call you next week.

Sincerely,



Beth Nolan
Counsel to the President

cc: The Honorable Henry Waxman

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JUL-21-1999 12:22

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CARA LESLIE ALEXANDER, et al.,

Plaintiffs,

v.

FEDERAL BUREAU OF
INVESTIGATION, et al.

Defendants.

Civil Action Nos.
96-2123/97-1288 (RCL)

CONSOLIDATED ACTIONS

DECLARATION OF DANIEL A. BARRY

I, Daniel A. Barry, for my declaration pursuant to 28 U.S.C. § 1746, depose and state as follows:

1. My name is Daniel A. Barry. I am employed as a Computer Specialist by the Executive Office of the President ("EOP"), Office of Administration, Information Systems & Technology Division ("IS&T"). I have held this position since June 1992. My current responsibilities include electronic records management projects and EOP's Automated Records Management System (ARMS). Previously, my responsibilities included maintenance and implementation of EOP's former electronic mail ("e-mail") system, ALL-IN-1.
2. I previously provided declarations in this litigation dated March 4, 1998, and March 30, 1998, and testified at a deposition on June 11, 1998.
3. I have personal knowledge of the matters attested to herein.
4. Since July 14, 1994, e-mail within the EOP system administered by the Office of

Administration has been archived in the EOP Automated Records Management System (ARMS). With this current system, this e-mail is susceptible to being word-searched for a single character string (e.g., "FBI" or "FBI files") or a multiple character string ("and" and "or" searches) found on any one line of text.

5. There is an ongoing restoration and reconstruction process for backed-up, pre-July 14, 1994 e-mail. That process, which I described in my March 4, 1998 declaration, is nearly complete. Backed-up e-mail for all months between November 1992 and July 1994 has now been restored and reconstructed, with the exception of backed-up e-mail for the months of February 1993, and March 1993. Restoration and reconstruction of backed-up e-mail for the months of February 1993 and March 1993 is expected to be complete by mid-August 1999. As a result of the restoration process, pre-July 14, 1994 e-mail can be searched in same manner as described in paragraph 4, above.

6. I have reviewed the request of plaintiffs for a search of e-mail (attached). That request lists 30 individuals whose e-mail should be searched, as well as "all past and present members of Mrs. Clinton's staff, and all those who worked at the OPS during the Clinton Administration." It further requests that all such e-mail be searched for 36 listed words and phrases.

7. As explained below, I have estimated the time and cost involved in accomplishing the search proposed by plaintiffs of e-mail that is now searchable on-line for all the months between January 1993 and June 1999 as \$687,180, 702 hours of personnel time, and 1092 computer processing ("central processing unit" or "CPU") hours.

8. In arriving at this estimate, I have made certain assumptions: (1) that only records of

the White House Office will be searched; (2) that I would be provided a list of "all past and present members of Mrs. Clinton's staff, and all those who worked at the OPS during the Clinton Administration," and that the list of such names would be no more than 10 individuals; and (3) that plaintiffs' list of individuals means a search of all e-mail sent to or from such individuals (including "cc:" and "bcc:").

9. In order to conduct the search requested by plaintiffs, a computer specialist would spend approximately four hours setting up the search request. For the purposes of conducting e-mail searches, our office typically estimates that an hour of a specialist's time costs \$40. Accordingly, the cost of the initial set-up would be approximately \$160.

10. After the initial set-up, the search would involve several steps. The estimated cost and time for searching the e-mail from a single month are described below. The actual costs will vary depending on the volume of e-mail retrieved, as well as the volume of e-mail in a given month.

(a) A computer specialist would search the e-mail for the 36 words and phrases listed by plaintiffs. A search for the 36 words and phrases proposed by plaintiffs would take approximately four (4) CPU hours. For the purpose of conducting e-mail searches, our office typically estimates that one CPU hour costs \$600. Accordingly, the estimated cost of such computer usage for searching the words and phrases requested would be approximately \$2400.

(b) A computer specialist would then set-up the next phase of the search by individual. This set-up for the next phase would take approximately one (1) hour of a specialist's time, and cost \$40. This is in addition to the initial set-up time described in paragraph 9.

(c) A computer specialist would then search the e-mail recovered from the first step (of

the 36 words and phrases) for all e-mail to and from the approximately forty individuals identified. This step would take approximately 10 CPU hours and cost approximately \$6000.

(d) Lastly, the results would be printed. Since the proposed search includes such common terms as "update" and "Clinton," I would anticipate that a significant amount of e-mail would be recovered and printed. Although the actual cost will vary depending on the volume of e-mail retrieved and the volume of e-mail in a given month, I estimate that it would take approximately eight (8) hours and \$320 to print the results, yielding approximately 44,000 pages or 8 boxes.

11. In addition, I estimate the miscellaneous costs of doing such a search -- e.g., the paper, ink, etc. -- as approximately \$50.

12. Aside from the initial fixed set-up costs, the above estimates of \$8810 and nine (9) hours and 14 CPU hours are for searching the e-mail of a single month. That estimate would need to be multiplied by 78 if all e-mail for the months of January 1993 through June 1999 were searched. Accordingly, the estimated total cost if all e-mail for January 1993 through June 1999 were searched for the terms and individuals proposed by plaintiffs would be \$687,180, 702 hours of personnel time, and 1092 CPU hours.

13. The two types of tape drives used to read the IBM 3480 cartridge tapes are (1) Digital Equipment Corp. (Compaq) TA90E, and (2) Digital Equipment Corp. (Compaq) TKZ61.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9 of July, 1999.


Daniel A. Barry

THE WHITE HOUSE
WASHINGTON
October 21, 1997

Richard D. Bennett
Chief Counsel
Committee on Government Reform and Oversight
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Dick:

In fulfillment of our commitment to complete our remaining document production obligations as expeditiously as possible, in addition to the e-mails produced on Friday, I am enclosing the documents described in the following paragraphs. I believe that, with the production of these documents we have satisfied all of the outstanding requests except for any recent informal requests my staff may have received. We will, of course, continue to cooperate in producing documents as you need.

Many of the documents in this production may be duplicative of materials you already have; nevertheless, we are providing with this production copies of any of the Presidential and Vice Presidential briefing papers that we could not quickly ascertain you already have for all of DNC events for which we have provided audio or video tapes. These documents are at Bates Nos. EOP 069110 -- EOP 069290.

Also included in this production are additional briefing papers and guest lists from the Vice President's Office for DNC fundraising and finance-related events attended by the Vice President during the responsive period (Bates Nos. EOP 068649 -- EOP 069001). Virtually all of these briefing papers were either originally generated by the DNC or derived from information provided by the DNC, copies of which should be within the DNC's productions to the Committee. To insure that the Committee received copies of all such documents, the Vice President Counsel's office expanded their search criteria to include all DNC events and manually reviewed the approximately 1,000 daily schedules covering this time period to identify any potentially responsive event which had not been produced through the earlier targeted searches.

In addition, please find certain entries from a time management program that was implemented on an experimental basis in an effort to evaluate the use of the Vice President's time (EOP 069002 -- EOP 069055). This material is redundant of documents previously produced from the Vice President's Office with respect to these events. The approximate times at which scheduled events in the West Wing office began and ended were recorded in the program and the time was then allocated among certain pre-determined activity categories and sub-categories. For the Committee's review, we have reproduced the time entries and categorizations that correspond to the DNC coffees and the Vice President's 1995-96 DNC



telephone calls. The Committee also has previously been provided with the Vice President's schedules, briefing papers and guest lists for the coffees. The Committee has previously been provided with all call sheets, thank you notes, briefing papers and billing records for the phone calls. If you need similar entries for DNC fundraising events, which would be duplicative of material previously produced to you, please let us know.

We have also included a few documents (EOP 069056 -- EOP 069069 and EOP 069106 -- EOP 069109) that were recently turned over to us by the Office of Records Management. Although we believe you may already have many, if not all of these documents, in the interest of ensuring that nothing was overlooked, we are providing them to you. Also, we are providing two documents (EOP 029511 -- EOP 029513) that we believe are duplicative of other documents that we produced.

Further, in responding to Justice Department requests during its 30-day inquiry for information about calls placed by the President to a list of telephone numbers, we determined calls were made from the Residence in October, 1994, to telephone numbers listed to six of the individuals named in the October 18, 1994 memorandum from Laura Hartigan and Terry McAuliffe to Harold Ickes (Bates Nos. EOP 036557 -- EOP 036564). These individuals are Bernard Rapoport, Phillip Frost, Howard Gilman, Richard Hayward, Richard Jenrette, and Dennis Rivera. We would be happy to discuss this with you further. Additionally, in responding to new requests by the Department of Justice, we have located a few additional responsive documents related to DNC fundraising that we are including (Bates Nos. EOP 069291 -- 069296).

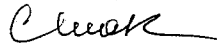
Also, on Friday, we delivered the remaining product of our completed search for electronic mail records. This search covered the time period dating from July 1994. As we have indicated, because of the nature of the White House electronic mail system, electronic mail messages from the period July 1994 to December 1995 only recently became readily searchable. Electronic messages before July 1994 are not currently searchable, although certain limited scattered records for this period do exist and have been searched. At this time, we have completed the search of the electronic mail system from July 1994 (including any earlier searchable scattered records) for the White House Office, the Office of the Vice President, the Office of Policy Development and the National Security Council. My staff is informed by the professional staff of the Office of Information Systems and Technology that a search of these components -- which include the political units of the EOP -- will yield any responsive e-mail either sent to or from any individual in any of those offices. Search of these units was designed to capture all e-mails responsive to the Committee's requests. There are several other components of the electronic mail system related to the non-political units of the EOP (including the Office of Administration, General Services Administration, Office of Management and Budget, Office of National Drug Control Policy, and the Office of Science and Technology Policy). Because some of these components are quite large (especially Office of Administration and Office of Management and Budget), searching them for the entire breadth of the earlier searches would take considerable time. Now that the search of the primary political units is complete, I suggest that our staffs meet to discuss what if any additional terms you wish to be searched and for what additional components. It is my understanding that in this manner we can

expedite any additional searches and provide any additional material as quickly as possible.

Finally, you will find enclosed a supplemental privilege log. As you know, my staff met with your staff this past weekend to review the documents that relate to the Hudson casino matter. Pursuant to the non-waiver agreement under which we have been operating for some months, I enclose copies of the privileged materials that your staff requested. They bear Bates numbers that range from EOP 069070 to EOP 069105. As you know, in connection with private litigation in the Eastern District of Wisconsin, the Justice Department, in consultation with the Office of Legal Counsel, has reviewed these documents and deemed them subject to privilege. We learned today that the Justice Department, in finalizing the privilege log, late last week concluded that two documents, EOP 069090 -- 069091 and EOP 069072 -- 069075, are not subject to privilege. Consistent with this determination, these documents are not subject to our non-waiver agreement.

As I stated above, I believe this production satisfies all outstanding document requests except any recent informal requests made to my staff, with which we will continue to comply and those requests that our respective staffs are continuing to negotiate. Should you have any questions, please call either me or Lanny.

Sincerely,



Charles F.C. Ruff
Counsel to the President

cc: Phil Barnett, Esq.

LAW OFFICES

COCHRAN & LOTKIN

CAPITOL HILL WEST BUILDING
201 MASSACHUSETTS AVENUE, N.E.
SUITE C-1
WASHINGTON, D.C. 20002
PHONE (202) 547-9225
FAX (202) 547-9228

NIEL L. COCHRAN, JR.
ALPH L. LOTKIN
ALSO MEMBER OF
THE CALIFORNIA BAR

LOS ANGELES OFFICE
WILSHIRE HIGHLAND BUILDING
4929 WILSHIRE BOULEVARD
SUITE 1010
LOS ANGELES, CALIFORNIA 90010
PHONE (213) 931-6200
FAX (213) 931-9521

OF COUNSEL
COCHRAN & SELLAS*
LOS ANGELES, CALIFORNIA
ORANGE COUNTY, CALIFORNIA
SACRAMENTO, CALIFORNIA
MEXICO CITY, MEXICO
*ADMITTED ONLY IN CALIFORNIA
AND MEXICO, D.F.

March 24, 2000

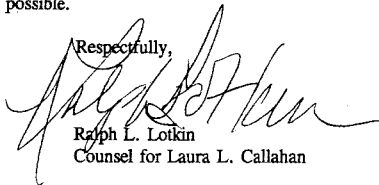
The Honorable Dan Burton, Chairman
The Honorable Henry A. Waxman, Ranking Minority Member
House Committee on Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Burton and Ranking Member Waxman:

Please accept this communication on behalf of my client, Mrs. Laura Callahan, in connection with yesterday's hearing regarding White House email.

Attached is a signed and sworn affidavit by Mrs. Callahan which clarifies one minor aspect of her testimony, based upon our collective recollection of the proceeding without, of course, benefit of a transcript. We submit this document to you in an effort to be both as prompt and as accurate as possible.

Respectfully,


Ralph L. Lotkin
Counsel for Laura L. Callahan

Attachment



Affidavit of Laura L. Callahan

I would like to clarify one of my answers to Congressman Barr which occurred at the very end of the Committee on Government Reform Hearing on March 23, 2000 regarding White House Emails. Whether due to the lateness of the hour or what may have been my misunderstanding of the intended scope of the question, I believe that I stated that I had not discussed "these issues" with attorneys at the Department of Justice. I understood the scope of the question to focus on the matters raised by Mr. Barr (which were primarily directed at Mr. Mark Lindsay) concerning why it had taken so long for the White House to rectify the email problem and to produce any relevant documents. As I stated during my testimony, I was involved in this matter for a period of no more than several weeks and, therefore, questions or issues relating to efforts to identify, reconstruct, or retrieve such emails, or Mr. Barr's inquiries regarding delays in those activities, would have occurred after my involvement. You will recall that I testified I left my position at the White House in October 1998. My immediate supervisor, Ms. Gallant, told me she would take over this issue.

Accordingly, it was on this basis that I responded in the way I did last night. However, in order to be as accurate as possible, I wish to clarify that I did discuss email issues with Department of Justice attorneys in connection with currently pending civil litigation. The attorneys were Ms. Elizabeth Shapiro and Mr. James Gilligan. I do not recall discussing with them or explaining why there have been delays in rectifying the situation or producing subpoenaed documents because I had no involvement in such activities. I also provided a declaration to the Court, a copy of which is attached. I recall that Mr. Gilligan was involved in the preparation of my declaration.

I swear and affirm pursuant to penalty of perjury that the foregoing is true and correct.


Laura L. Callahan

3/24/00
Date

NORTHROP GRUMMAN

Data Systems and Services Division
Northrop Grumman Corporation
2411 Dulles Corner Park, Suite 800
Herndon, Virginia 20171-3430

September 14, 1998

In reply refer to:
JFL-98-481

Executive Office of the President
Administration Procurement Branch
ATTN: Dale Helms
NEOB, Room 5001
725 17th Street, N.W.
Washington, D.C. 20503

SUBJECT: Executive Office of the President
Contract No. DTOS59-96-D-00418

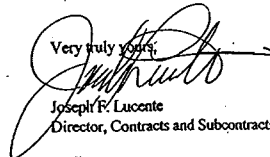
Dear Mr. Helms:

I have recently been informed that in late May of this year, a dysfunction in the EOP e-mail system was detected by an employee of Northrop Grumman Corporation (the "Company"). The dysfunction involves the archiving of e-mail communications from the EOP e-mail system. In essence, it appears the e-mail system cannot reliably retrieve messages stored in the system. This dysfunction appears to have had its origin in the conversion of the EOP e-mail system to CC Mail in October 1996.

I am further informed that Company employees brought this dysfunction to the attention of Laura Crabtree, EOP Branch Manager for Desktop Services, at the time of discovery in late May or early June 1998. Ms. Crabtree directed the Company employees to evaluate the problem and undertake remedial action, without Northrop Grumman management involvement. Since that time, Company employees have studied the nature and extent of the dysfunction and have undertaken with some incomplete remedial efforts.

Based on our review, the level of effort required to remedy the dysfunction will substantially exceed the scope of work contemplated under the referenced contract. As a consequence we are not proceeding with our efforts to remedy the dysfunction until we have received further contractual direction.

Very truly yours,


Joseph R. Lucente
Director, Contracts and Subcontracts



NGL 00503

city Minutes Re

Tuesday, May 16 9:30 AM

On Tuesday May 16 a meeting was held to discuss issues regarding a design flaw discovered recently in the record management process that would allow for certain types of mail document to bypass record management. The meeting was attended by the following people: Betty Lambuth, Jonh Spriggs, Sandy Golas, Bob Haas, and Yiman Salim. The problem at issue is the purging of mail records, by the user, prior of being record managed. The objective of the meeting was to define the problem, to identify and discuss all issues relating to the problem, and to propose a course of action. *and some possible solutions*

The problem, as stated before, consist of the ability of the user to delete mail record prior to being record managed. The documents at issue are the following: delivery reports, non-delivery reports, return receipts, return non-receipts, trace reports and incoming internet mail. All mail documents such as memo messages or reply messages are record managed by way of the "bcc" field. This method directly mails a copy of the mail message to the ARMS scan Notes database to be archived to the VAX *including*. That, though, is not the case with the type of documents mentioned above *and with incoming internet mail*. These documents are record managed by way of the ARMS scan process. The ARMS scan process looks for a view called \$Unrecorded, in each persons mail box, which holds all documents that do not have the \$Tag field. Once scanned these documents get tagged with a \$Tag field and disappear from the \$Unrecorded view. The problem occurs when documents are physically deleted by the user before this process happens.

Some of the issues discussed where the following:

1. Processing inefficiencies in the ARMS scan itself which causes a significant delay in mail record scanning. Currently, an ARMS scan process runs on each individual mail server (mail1, mail2, and mail 3) and would scan mail residing on the server *at the time of the scan*. But the lookup of names is taking place in Name and address book using the ARMS1 through ARMS4 views which contains names for all servers. The argument was that the process may be waiting time in sorting through these view *as it might not be the best way to do it*.
2. Mail archiving. *The ARMS scan process does not archive mail that is not scanned. It only scans mail that is not archived.*
3. Internet mail. *To lookup names in the Name and Address Book for Internet mail.*

The following course of action was proposed:

1. Assess the problem. This assessment consists in generating some statistics to quantify the delay of mail scanning on every mail server. The following strategies were suggested:
 - a. Create a dummy user, known to make the ARMS scan fail and display an error message, to find-out the time the ARMS scan process takes to cycles between names.
 - b. Create a view in the ARMS scan database that displays the time differences between the compose time and the scan time and compute and average.
2. Review the ARMS scan code. This task is to gain additional insight on the processing algorithm of ARMS scan.
3. Research the modification of ARMS scan views in the Name and Address Book to make them specific to a mail server.
4. Research a delete scheme that will not physically purge documents until they have been record managed.

2) *Since the problem is the deletion of documents*
Mail Document Delete.



NGL 00516

Yimam F. Salim
04/02/99 01:49:29 PM

Record Type: Record

To: Michael E. Rittow
cc:
bcc: Records Management
Subject: Re: Mail2

Eric,

Here're the answers to your questions. Sorry for the delay. Let me know if you have any additional questions.

Yimam.

When did NG first become aware of the existence of the problem?
On June 12 1998. Bob Haas and myself were discussing a number of issues concerning the Notes mail template when we became aware of the problem. At the time, we reported the problem to Betty Lambuth (NG's workgroup manager).

When did NG identify the causes of the problem?
I believe about a couple of days later. The cause of the problem was identified by John Spriggs.

What did NG discover as the causes?
The cause of the problem was discovered to be the following: About 700 mail accounts located on the Mail2 server were not being record managed, since I believe early or mid 1997 (John Spriggs can give you the exact statistics). The reason was determined to be a server name "case" sensitivity problem. When these accounts were created, the name of the home mail server was enter as "MAIL2" instead of "Mail2", and therefore, these accounts were being skipped by the ARMS scanner process. In other words, the problem is inherit in the ARMS process which is currently enforcing server name case sensitivity.

When did NG correct, or thought we had, the problem?
Because of confidentiality constrains imposed on us by the government (at the time Laura Crabtree), NG's high level management did not become aware of the problem until few months later. I don't know exactly when NG became fully aware of the problem. This is a question for Joe Vasta and Bob Whiteman.

What was the corrective action?
Corrective action was to be done in two phases, Phase I and Phase II. The objective of Phase I was to implement a fix that would get these accounts to



NGL 00508

be and continue on being records managed. The fix consisted in running a Notes agent that would draw a line on the sand (point in time) after which these accounts will start to be record managed, and tag all unrecorded documents previous to this date to have been record managed. This action was not taken until all accounts were properly backed up. Phase II consisted in the Mail2 reconstruction effort. John Spriggs is more familiar with this phase.

The ultimate correction to this problem was to fix the ARMS scanner process so this problem did not happen again. In December of 1998 a task was initiated to development a solid baseline of the LN/ARMS Interface software. This effort, once completed, will allow for future changes and fixes to be incorporated into the ARMS software. The task is being led by myself and the completion date of this task (baseline of LN/ARMS Interface) is projected by the end of April to mid May. Any fixes or modifications to the software will need to be scheduled after this date.

What is the current status of the problem?

Phase I

John Spriggs and myself worked together in completing phase I. I worked on the software end of things, while John Spriggs worked and coordinated the hardware end of things. John Spriggs was the person responsible for running and monitoring this process. This phase was completed on 11/23/98.

Phase II

John Spriggs submitted a proposal for Phase II. I am not aware of the status of this proposal.


LN/ARMS baseline

Still ongoing. Projected date of completion is by the end of April to mid May.

What does NG propose to correct the problem and when will it happen?
Please see answers above.

What versions of Lotus Notes were being used during that period?
Lotus Notes 4.1

Michael E. Ritter

 Michael E. Ritter
04/01/99 01:21:45 PM

Record Type: Record

To: Yiman F. Salim/[REDACTED], Robert W. Haas/[REDACTED], John E. Spriggs/[REDACTED] Sandra L. Golas/[REDACTED]
cc: Joseph A. Vasta/[REDACTED]
Subject: Mail2

NGL 00509

NORTHROP GRUMMAN

EOPNG-98-0138

To: DeVere Patton
COTR

cc: Tony Barry, Dale Helms, David Peterson

From: Joseph A. Vasta
Project Manager

Date: December 23, 1998

Subject: Weekly COTR Meeting December 23, 1998

Delivered
12/29/98
1530hrs

Encl:

The weekly COTR meeting was held in the Northrop Grumman conference room on December 23, 1998. Attendees included Tony Barry, DeVere Patton, Dale Helms, David Peterson, and Joe Vasta.

Meeting Summary

- 1999-IST-002, Documentation & Modification of Lotus Notes/ARMS: This IWO was closed per the Government's instruction.
- 1999-EOP-003, E-Mail Reconstruction Processing: The Government has signed and Northrop Grumman has received Modification #20.
- 1999-EOP-004, EOP Y2K Model 204 Data Extract: The Government has signed and Northrop Grumman has received Modification #19. A modification to their IWO was discussed to amend the period of performance for Mr. Derrick Thomas and the scope of work to include ERS activities. The Government acknowledged it would take the initiative and the responsibility to create a Statement of Work for the IWO modification. The Government stated an "official" modification would be required to ensure compliance with all regulations. The Government also used this opportunity to remind Northrop Grumman that it is of the utmost importance that IWOs meet a stringent criteria for submittal. Northrop Grumman apprised the Government that no action will be taken until some direction from the COTR and the CO is received.
- 1999-EOP-005, Cabinet Affairs Support: IS&T manager must approve so that Northrop Grumman may move forward. No change in the status of the IWO. There is a concern regarding the funding of a second Northrop Grumman personnel. Northrop Grumman is awaiting instruction on how to proceed concerning the second employee.
- 1999-EOP-006, OMB PC-Rollout and Redeployment: The Government signed and Northrop Grumman has received Modification #21. Northrop Grumman is still awaiting to compile inventory, but there is confusion whether the Government or Northrop Grumman will handle that task. Also,

NORTHROP GRUMMAN



EOPNG-98-0138 - December 23, 1998

NGL 00242

Northrop Grumman has lost potential workers due to the ambiguous employment situation. OMB proposed a delay of the initial rollout of NT 3.51 for a complete rollout of NT 4.0. The Government was not made aware of this delay. The Government expressed an understanding that the first 150 units would have NT 3.51 installed and the remainder would be on-hold for NT 4.0.

- 1999-EOP-007, Mail 2 E-Mail Reconstruction: The Rough Order of Magnitude (ROM) is still outstanding and no feedback has been provided. Northrop Grumman identified 788 tapes for possible reconstruction and a more recent tape has been restored. Considering the volume of the work involved, a modification of the IWO may be required.
- 1999-EOP-008, Personnel & Payroll Phase 1- Part 2: Northrop Grumman received electronic authorization of funding. However, the Government and Northrop Grumman is still in the process of adjusting the period of performance.
- 1999-EOP-009, PC Inventory: This IWO has been canceled as of Monday, December 21, 1998.
- 1998-EOP-021, PC Rollout and Redeployment: A modification has been received from the Government.
- 1998-EOP-023, Re-Engineering Office of the Executive Clerk: The IWO and Modification #17 has been signed by the Government and received by Northrop Grumman.
- 1998-EOP-001: Base Services: There were no outstanding invoices as of December 23, 1998. The Government will send Northrop Grumman a position memorandum stating its position regarding the staffing of for the vacant Network Manager position. In addition, Northrop Grumman sent a memorandum to the Government proposing an additional VAX position.

Other Issues:

- **Task Tracking System:** The Government questioned Northrop Grumman concerning the requests to the Lotus Notes team. It was unclear if these requests come in the form of OA65s or CSARs. Northrop Grumman stated that the Task Tracking system in development will allow for pertinent Government personnel to review and approve incoming CSAR requests. This process will enable the Government to determine work to be done in its relation to the larger scope.
- **Goods and Services:** The Government expressed concern over purchased goods and services. The Government stated that any costs over and above the Base Services costs should be reported to the COTR or the CO. In addition, every requested purchase requires approval by the COTR through a formal goods and services request. Following this process will help ensure the proper authorization of Government requested purchases and other IWO related ODC expenses have been obtained prior to incurring any costs for these goods and services.
- **ODC Projected and Actual Variance:** The discrepancies between the projected and actual ODC figures for the periods of October 1 to October 23 and October 24 to November 20 was an area of concern for the Government. Northrop Grumman explained that the projected numbers assume that no vacancies exist. In addition, the actual costs reflect several short term costs, such as CMM training and these were the main factors for the overrun costs. This level of spending will not continue throughout the year. Therefore, Northrop Grumman continues to forecast spending at or

below the contract value of the IWO. The Government requested that additional documentation addressing Northrop Grumman's position be provided.

- **Task List:** The meeting discussed the nature of the task list. Northrop Grumman suggested that Lotus Notes could be utilized to manage requests based on the level of criticality and further emphasized the need for a better understanding of priorities. The Government requested that Northrop Grumman recommend to the COTR a preliminary priority listing.
- **Internal Work Order Process:** The Government and Northrop Grumman had agreed there was a need to understand all aspects of the IWO process. This would alleviate misunderstandings and confusion and would also prevent unauthorized or unfulfilled expectations originated through verbal intentions of "good will". Northrop Grumman suggested possible cooperative efforts between Northrop Grumman CMM personnel and Government personnel to document procedures, a timetable, and interface between contractors and the Government in the IWO process. Further discussions for collaboration were proposed.
- **1998/1999 Award Fee:** The Government was reminded that the 1998 and 1999 award fee issues were still outstanding and awaiting Government action.

NORTHROP GRUMMAN

EOPNG-99-0061

To: DeVere Patton
COTR

cc: Tony Barry, Dale Helms, Lynnae Roscoe, Joe Vasta

From: Joseph A. Vasta
Project Manager

Date: February 19, 1999

Subject: Weekly COTR Meeting February 17, 1999

Encl: IWO Tracking Sheet
Voucher Tracking Sheet

The weekly COTR meeting was held in the Northrop Grumman conference room on February 17, 1999. Attendees included Lynnae Roscoe, DeVere Patton, Tracy Breeding, David Peterson, and Joe Vasta.

Meeting Summary**IWO Review**

- 1998-EOP-001: Base Services: No change in the status of this IWO.
- 1999-EOP-003, E-Mail Reconstruction Processing: There was no change in the status of this IWO. The Government stated it was in it's front office. The Government stated its position that seven hours of overtime used to support this effort would not be paid as the overtime had not been approved previously by the COTR. Also, the availability of two Northrop Grumman personnel to provide additional support for this effort was discussed.
- 1999-EOP-004, EOP Y2K Model 204 Data Extract: No change in the status of this IWO. All Security Tracking System deliverables have been presented to the Government. This IWO is complete.
- 1999-EOP-004a, EOP Y2K Model 204 Data Extract (ERS): M204 Data Extraction team personnel continue to work toward completion of this phase of the M204 Data Extraction project.
- 1999-EOP-005, Cabinet Affairs Support: No change is the status of this IWO. This IWO remains within the Government's domain for determination.
- 1999-EOP-006, OMB PC-Rollout and Redeployment: There is no change in the status of this IWO.

NORTHROP GRUMMAN

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EOPNG-99-0061 - February 19, 1999



NGL 00186

- 1999-EOP-007, Mail 2 E-Mail Reconstruction: There was no change in the status of this IWO.
- 1999-EOP-009, Pre-installation Site Survey: This project is in progress and is slightly ahead of schedule.
- 1999-EOP-010, President's State of the Union Address: This IWO has been completed. Northrop Grumman provided the Government with the costs for this support as a separate line item on the CSR report which was distributed to the Government on February 12, 1999.
- 1999-EOP-011, NT 4.0 PC Rollout and Redployment - OMB: The official modification for this IWO was received and the work is in progress.
- 1998-EOP-012, NT 4.0 PC Rollout and Redployment - Org Group 1: This is a new IWO that will be delivered to the Government by noon today, February 17, 1999.
- 1999-EOP-013, NT 4.0 PC Rollout and Redployment - Org Group 2: This is a new IWO that will be delivered to the Government by noon today, February 17, 1999.
- 1999-EOP-014, NT 4.0 PC Rollout and Redployment - Org Group 3: This is a new IWO that will be delivered to the Government by noon today, February 17, 1999.
- 1998-EOP-021, PC Rollout and Redployment: There was no change in the status of this IWO.
- 1998-EOP-023, Re-Engineering Office of the Executive Clerk: There was no change in the status of this IWO.

Voucher Review

The following vouchers received visibility.

- Voucher 12B, Base Services Invoice, CLIN 0202AA in the amount of \$77,219.95 for FY 98 was submitted to the Government on January 20, 1999.
- Voucher 13Op, Optional Services Invoice, CLIN 0202AA in the amount of \$38,700.62 for FY 98 was submitted to the Government on January 20, 1999.
- Voucher 1B, Base Services Invoice, CLIN 0202C in the amount of \$1,203,464.17 for FY 99 was submitted to the Government on January 20, 1999.
- Voucher 1Op, Optional Services Invoice, CLIN 0202AB in the amount of \$40,443.66 for FY 99 was submitted to the Government on January 20, 1999.

Other Issues:

- **Timecard and Relocation:** The Government requested that Northrop Grumman provide additional information and explanation regarding the expenses and the period in which those expenses were incurred by a previous Northrop Grumman employee.

- New IWOs: The Government stated that an IWO to accomplish a server upgrade may be forthcoming.

Action Item Review

The following open action items were given visibility. No new action items were recorded.

- AI 0018, Award Fee Percentage. (Government Action)
- AI 0025, Signed IWO Sheets. (Government Action)
- AI 0029, Expense Report Invoice Review. (Government Action)

IWO NUMBER TRACKING SYSTEM					
IWO Number	Inception	IWO Title	CLIN #	Status	Comments / Remarks
1999-ECP-021	9/1/98	PC ROLLOUT AND REDEPLOYMENT	0002AA	Signed	MODIFICATION # 16
1999-ECP-023	9/2/98	RE-ENGINEERING OFFICE OF THE EXECUTIVE CLERK	0002AA	Signed	MODIFICATION #17
1999-ECP-001	9/30/98	BASE SERVICES	0202C	Signed 12/02/98	MODIFICATION #18
1999-ECP-004	9/24/98	EOP Y2K MODEL 264 DATA EXTRACT	0202AB	Signed 11/06/98	MODIFICATION #19
1999-ECP-004*	1/1/99	EOP Y2K MODEL 264 DATA EXTRACT (ERS)	0202AB	Signed 2/8/99	MODIFICATION #24
1999-ECP-003	8/1/98	E-MAIL RECONSTRUCTION PROCESSING	0202AB	Signed 12/02/98	MODIFICATION #20
1999-ECP-006	10/16/98	OMB PC ROLLOUT AND REDEPLOYMENT	0202AB	Signed 12/08/98	MODIFICATION #21
1999-CAB-005	10/5/98	CABINET AFFAIRS SUPPORT	0202AB	Submitted to Govt 11/20/98	
1999-ECP-007	10/27/98	MAIL 2 - E-MAIL RECONSTRUCTION	0202AB	RCM Submitted 12/02/98	
1999-ECP-009	12/7/98	NT 4.0 PRE-INSTALLATION SITE SURVEY	0202AB	Signed 1/27/99	MODIFICATION #22
1999-ECP-010	1/1/99	PRESIDENT'S STATE OF THE UNION ADDRESS			IWO # assigned for cost reporting purposes
1999-ECP-011	2/2/99	NT 4.0 PC ROLLOUT AND REDEPLOYMENT - OMB	0202AB	Signed 2/8/99	MODIFICATION #23
1999-ECP-012	2/16/99	NT 4.0 PC ROLLOUT AND REDEPLOYMENT - ORG Group #1	0202AB	Submitted to Hensdon 2/16/99	
1999-ECP-013	2/16/99	NT 4.0 PC ROLLOUT AND REDEPLOYMENT - ORG Group #2	0202AB	Submitted to Hensdon 2/16/99	
1999-ECP-014	2/16/99	NT 4.0 PC ROLLOUT AND REDEPLOYMENT - ORG Group #3	0202AB	Submitted to Hensdon 2/16/99	

Next ECs min Up 7/17/99 14 AM

NGL 00189

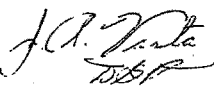
VOUCHER TRACKING SYSTEM							
Voucher Number	Date Submitted to Govt	CLIN Name	CLIN #	Period of Performance	Accounting Month	Amount	Comments / Remarks
12B	1/20/99	Base Services Invoice	0202B	1/1/98 - 9/30/98	December	\$77,219.95	FY98
13Op	1/20/99	Optional Services Invoice	0202AA	1/1/98 - 9/30/98	December	\$36,700.62	FY98
1B	1/20/99	Base Services Invoice	0202C	10/1/98 - 12-31/98	December	\$1,203,464.17	FY99
1Op	1/20/99	Optional Services Invoice	0202AB	10/1/98 - 12/31/98	December	\$40,443.66	FY99
					TOTAL	\$1,359,828.40	

NORTHROP GRUMMAN

EOPNG-99-0026

To: DeVere Patton
COTR

cc: Tony Barry, Dale Helms, Lynnae Roscoe, Joe Vasta

From: Joseph A. Vasta
Project Manager 

Date: January 22, 1999

Subject: Weekly COTR Meeting January 20, 1999

Encl: IWO Tracking Sheet
Voucher Tracking Sheet

The weekly COTR meeting was held in the Northrop Grumman conference room on January 20, 1999. Attendees included Tony Barry, DeVere Patton, Lynnae Roscoe, Tracy Breeding, David Peterson, and Joe Vasta.

Meeting Summary**IWO Review**

- 1998-EOP-001: Base Services: No change in the status of this IWO.
- 1999-IST-002, Documentation & Modification of Lotus Notes/ARMS: No change in status. This IWO remains closed per Government direction.
- 1999-EOP-003, E-Mail Reconstruction Processing: No change in status. Northrop Grumman continues to make progress toward completion of this IWO.
- 1999-EOP-004, EOP Y2K Model 204 Data Extract: All deliverables as specified in this IWO for the Security Tracking System effort were presented to the Government. M204 personnel continue to follow the task flow as specified in the SOW and, as directed by the Government, to proceed with work on ERS using funds that were not exhausted on the Security Tracking System effort.
- 1999-EOP-004a, EOP Y2K Model 204 Data Extract (ERS): A technical and cost proposal for ERS was submitted to the Government as an addendum to the original M204 Data Extraction. As stated above, M204 personnel continue to work on ERS using funds that were not exhausted on the Security Tracking System effort. The Government stated it had several questions it would forward to Northrop Grumman.

NORTHROP GRUMMAN

EOPNG-99-0026 - January 22, 1999

NGL 00210

- 1999-EOP-005, Cabinet Affairs Support: The Government stated that it expected this IWO to be activated this year. It remains within the Government's domain for determination.
- 1999-EOP-006, OMB PC-Rollout and Redeployment: Northrop Grumman stated that upon Government approval of the load set, it would be very close to proceeding with the rollout. The Government asked if NT 3.51 was still being rolled out, and Northrop Grumman confirmed that it was.
- 1999-EOP-007, Mail 2 E-Mail Reconstruction: Northrop Grumman is still awaiting the Government's response to the documentation submitted previously.
- 1999-EOP-008, Personnel & Payroll Phase 1- Part 2: This IWO was canceled per the Government's request. No activity is to continue or commence to support this IWO.
- 1999-EOP-009, Pre-installation Site Survey: Northrop Grumman stated it believes it is close to an agreement on this IWO. The Government stated that there were still a few small wording changes that had to be incorporated into this IWO. The Government indicated that after those changes were incorporated, this IWO could be signed as early as today.
- 1999-EOP-010, President's State of the Union Address: The Government directed that Northrop Grumman personnel who helped support this effort should be charged to the Base Services contract. The Government requested that Northrop Grumman provide the total costs for this support since funding for it would be provided by the White House. The Government indicated that the funding for this effort was an internal concern.
- 1998-EOP-021, PC Rollout and Redeployment: There was no change in the status of this IWO.
- 1998-EOP-023, Re-Engineering Office of the Executive Clerk: No change in the status of this IWO.

Voucher Review

A total of six vouchers were given visibility in the voucher tracking system. Four of the vouchers were new as indicated by an asterisk (*).

- Voucher 11B, Base Services Invoice, CLIN 0202B in the amount of \$30,541.78 for FY 98 was submitted to the Government on December 30, 1998.
- Voucher 12Op, Optional Services Invoice, CLIN 0202AA in the amount of \$97,346.33 for FY 98 was submitted to the Government on December 30, 1998.
- Voucher 12B*, Base Services Invoice, CLIN 0202AA in the amount of \$77,219.95 for FY 98 was submitted to the Government on January 20, 1999.
- Voucher 13Op*, Optional Services Invoice, CLIN 0202AA in the amount of \$38,700.62 for FY 98 was submitted to the Government on January 20, 1999.

- Voucher 1B*, Base Services Invoice, CLIN 0202C in the amount of \$1,203,464.17 for FY 99 was submitted to the Government on January 20, 1999.
- Voucher 1Op*, Optional Services Invoice, CLIN 0202AB in the amount of \$40,443.66 for FY 99 was submitted to the Government on January 20, 1999.
- Northrop Grumman apprised the Government that the last voucher for FY98 had not yet been submitted for payment.
- The Government requested Northrop Grumman to ensure each IWO was identified on a separate voucher. Northrop Grumman agreed.
- The Government also requested that Northrop Grumman specify what rate it is being charged for 'indirects'. The Government stated that it was not clearly represented on the vouchers received.

Other Issues:

- **Training:** Northrop Grumman proposed training two employees already on site to provide additional assistance in the web development area while it is seeking qualified web programmers. Northrop Grumman stated that it would cost less than \$1,000.00 for both persons. Northrop Grumman stated that this additional training would be a 'win-win' situation for the Government and the selected individuals.
- **VAX Systems Programmers:** The Government stated that it would respond to the Northrop Grumman proposal regarding this issue.
- **Awards Fee:** The Government stated that it would be holding a meeting on Friday, January 22, 1999, with the award fee determination officer to discuss the issue. The Government also stated that the issue should be resolved by next week (January 25-29, 1999).
- **Spectrum Communication Equipment:** Northrop Grumman asked that the Government make available to Northrop Grumman employees training on the new Spectrum communications equipment being installed. Northrop Grumman asked that this training be provided to its employees if Northrop Grumman is expected to be accountable for support responsibilities of this equipment.
- **Network Manager Position:** The Government stated that this issue is 'in its court.' No determination has yet been made regarding the filling of this position as recommended by the Northrop Grumman proposal.
- **Other Government Concerns:** The Government requested clarification from Northrop Grumman on two issues. First was the establishment of a drug-free workplace. The Government asked that a drug-free workplace plan be presented. Second was the Government's concerns regarding restrictions against information disclosure for Northrop Grumman personnel and Northrop Grumman subcontractors. The Government stated it did not include this at the onset of the project, but it wants to establish some policies now which include Northrop Grumman subcontractors. 1999).

Action Item Review

All open action items were reviewed. No new action items were generated. The following action items were statused as indicated below.

- AI 0018, Award Fee Percentage. **(Government Action)**
- AI 0025, Signed IWO Sheets. **(Government Action)**
- AI 0027, Invoice Details. **CLOSED**
- AI 0028, Expense Report Documentation. **CLOSED**
- AI 0029, Expense Report Invoice Review. **(Government Action)**
- AI 0030, Pay Status of Current Vouchers. **CLOSED**
- AI 0031, Separation of IWO Costs. **CLOSED**

NORTHROP GRUMMAN

EOPNG-98-0113

To: DeVere Patton
COTR

From: Joseph A. Vasta
Program Manager *JAV*

Date: December 2, 1998

Subject: Weekly COTR Meeting November 20, 1998

Encl: (1) IWO Tracking Sheet
(2) Action Item List

The weekly COTR meeting was held in the Northrop Grumman conference room on November 20, 1998. Attendees included Tony Barry, DeVere Patton, Lynnae Roscoe, Dale Helms, Tracy Breeding, David Peterson, and Joe Vasta.

Meeting Summary

Northrop Grumman opened the meeting by suggesting that the weekly report due for the November 19-25, 1998 reporting period not be submitted on its regular due date of November 27, 1998. Northrop Grumman proposed that week's report be combined with the following week's (11/26/98 - 12/2/98) report. Northrop Grumman suggested this combination because of the Thanksgiving Day holiday on Thursday, November 27, 1998 and the availability of both Northrop Grumman and Government personnel. The Government agreed as long as Northrop Grumman ensured a select group of Government personnel had access to the project task list today (11/20/98). One hardcopy of the project task list was given to the COTR, Mr. DeVere Patton. The Government stated that project task list must be made available to branch chiefs today (11/20/98). Northrop Grumman accepted that condition and pointed out that the project task list was available through Lotus Notes. Northrop Grumman also informed the Government that there were still two more aspects of the project task list yet to be implemented.

Northrop Grumman apprised the Government that Government personnel are continuing to approach Northrop Grumman personnel with work assignments. Northrop Grumman again expressed concern over this practice, and asked the Government to help resolve it.

A consolidated IWO chart was distributed and IWOs were reviewed. That IWO review chart is included as Attachment 1. A synopsis of the IWO review portion of the COTR meeting was that:

- IWO 1999-EOP-001 and 1999-IST-002, Base Services and Documentation and Modification of Lotus Notes/ARMS were as stated in the Comments/Remarks section of Attachment 1. That is, Northrop Grumman is awaiting the Government's response.

NORTHROP GRUMMAN

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EOPNG-98-0113 - December 2, 1998



NGL 00269

- Additionally, the Government pointed out that the CO, Mr. Dale Helms, only had signature authority for \$6.8M not the \$6.9M indicated as the price for this IWO. Thus, the CO indicated he could not sign the Base Services IWO. Northrop Grumman agreed to reassess the Base Services IWO by not factoring in current vacant positions and allowing them to remain vacant until after December 4, 1998.
- IWO 1999-EOP-003, E-mail Reconstruction Processing, is still awaiting the Government's response. As stated in the Comments/Remarks section of Attachment 1, existing funds end November 27, 1998.
- IWO 1999-EOP-004, EOP Y2K Model 204 Data Extract, is in process; that is, work has begun.
- IWO 1999-CAB-005, Cabinet Affairs Support, Northrop Grumman expected to receive the cost proposal from the Herndon business office today (11/20/98).
- IWO 1999-EOP-006, OMB PC Rollout and Redeployment, is awaiting Northrop Grumman revisions which are in progress. In addition, the Government stated OMB was reluctant to authorize the requirement for two ROMians.
- IWO 1999-EOP-007, ROM Reconstruction, is still awaiting the delivery of the ROM quote which is 98. Northrop Grumman pointed out that quote could be plus 1. The ROM quote would be presented to the Government with the ROMian. The ROMian suggested that the project manager meet with Northrop Grumman and the requirements. The project manager for Phases 2 and 3 and Mr. DeVere Patton would be the COTR. Northrop Grumman SDLC I found. Government that this project impacts and has competing issue. SDLC and CMM effort. The Government informed Northrop Grumman that its perspective of the SDLC is that it is not 'gospel' but should be used as a guide which is tailored for each individual project. The Government stated that using it for this IWO was a good starting point.
- IWO 1999-EOP-008, Personnel & Payroll Phase 1 - Part 2, has been submitted to Herndon for another cost proposal.
- IWO 1998-EOP-021, PC Rollout and Redeployment, has been signed, but the question was posed to the Government as to how it wants to be billed.
- IWO 1998-EOP-023, Re-engineering Office of the Executive Clerk. Northrop Grumman obtained a Visual Basic Programmer for the Executive Clerk IWO at \$55.00 per hour. Although this is above the quoted \$49.00 per hour rate, the programmer agreed to complete this project in a fewer number of hours and at below the quoted cost. Northrop Grumman will submit an amended IWO to reflect this change.

The Government acknowledged that the following IWOs, listed by IWO number only, were complete. They are:

1998-EOP-020
1997-EOP-001
1998-EOP-007
1998-EOP-006
1998-CAB-008
1998-IST-009
1998-EOP-010
1998-EOP-012
1998-EOP-017
1998-EOP-019

NORTHROP GRUMMAN

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EOPNG-98-0113 - December 2, 1998

NGL 00270

- Additionally, the Government pointed out that the CO, Mr. Dale Helms, only had signature authority for \$6.8M not the \$6.9M indicated as the price for this IWO. Thus, the CO indicated he could not sign the Base Services IWO. Northrop Grumman agreed to reassess the Base Services IWO by not factoring in current vacant positions and allowing them to remain vacant until after December 4, 1998.
- IWO 1999-EOP-003, E-mail Reconstruction Processing, is still awaiting the Government's response. As stated in the Comments/Remarks section of Attachment 1, existing funds end November 27, 1998.
- IWO 1999-EOP-004, EOP Y2K Model 204 Data Extract, is in process; that is, work has begun.
- IWO 1999-CAB-005, Cabinet Affairs Support, Northrop Grumman expected to receive the cost proposal from the Herndon business office today (11/20/98).
- IWO 1999-EOP-006, OMB PC Rollout and Redeployment, is awaiting Northrop Grumman revisions which are in progress. In addition, the Government stated OMB was reluctant to authorize the requirement for two PC technicians.
- IWO 1999-EOP-007, Mail 2 E-mail Reconstruction, is still awaiting the delivery of the ROM quote which is expected by December 2, 1998. Northrop Grumman pointed out that quote could be plus or minus 20 percent (+/-20%). The ROM quote would be presented to the Government when it is received. The Government suggested that the project manager meet with Northrop Grumman to review the cost and the requirements. The project manager for Phases 2 and 3 would be Mr. Karl Heissner and Mr. DeVere Patton would be the COTR. Northrop Grumman pointed out to the Government that this project impacts and has competing issues with the SDLC and CMM effort. The Government informed Northrop Grumman that its perspective of the SDLC is that it is not 'gospel' but should be used as a guide which is tailored for each individual project. The Government stated that using it for this IWO was a good starting point.
- IWO 1999-EOP-008, Personnel & Payroll Phase 1 - Part 2, has been submitted to Herndon for another cost proposal.
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The Government acknowledged that the following IWOs, listed by IWO number only, were complete. They are:

1998-EOP-020
1997-EOP-001
1998-EOP-007
1998-EOP-006
1998-CAB-008
1998-IST-009
1998-EOP-010
1998-EOP-012
1998-EOP-017
1998-EOP-019

NORTHROP GRUMMAN

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EOPNG-98-0113 - December 2, 1998

NGL 00271

Although the Government acknowledged the above listed IWOs were complete, the Government wants to certify the final invoices prior to sign-off. The Government asked Northrop Grumman to ensure all invoices were submitted.

The Government indicated the possibility of a new IWO on the horizon.


IWO 1999-EOP-001, Base Services, was presented and the additional costs reflected in it was related directly to the publication server position which is currently staffed by Sterling Software personnel.

Other issues raised at the meeting were:

1. The Government indicated a new IWO will be needed for a OA PC Rollout effort. It was suggested that the number of PCs to be rolled out under this effort would be about 180. A schedule would have to be developed as well as a determination as to whether a new rollout crew would be needed or would Northrop Grumman continue with the current rollout crew, only adding a few more persons.
2. Northrop Grumman again expressed concern about the practice of some Government representatives approaching Northrop Grumman employees to accomplish tasks and receive assignments. Northrop Grumman said they will continue to ask Government employees to make requests through Northrop Grumman management. The Government concurred with this course of action.
3. The Government raised the issue of the impact the OMB PC Rollout project would have on the Base Services IWO.

The next COTR meeting is scheduled for 9:00 a.m. on Wednesday, December 2, 1998. No new action items were generated during this meeting. An action item list summarizing open action items is included in this report as Attachment 2.



 Michael E. Ritter
04/02/99 09:33:57 AM

Record Type: Record

To: Joseph A. Vasta/ [REDACTED]
cc:
Subject: Notes mail report

We have been requested to provide a report that comments on the occurrences surrounding an ongoing problem in records management. I hope the information below is informative and answers all of the questions we have been asked. The numbers in parenthesis refer to the point Mr. Helsner requested we answer.

Situation:

The mail servers at EOP are Lotus Notes based and serve the purpose of allowing electronic mail use in the following formats: Delivery Reports, Non-delivery Reports, Return Receipts, Return Non-receipts, Trace Reports, and Incoming Internet Mail. A "blind" copy is maintained by way of a records management system called ARMS scan. This system examines the electronic address of the documents, and if it is listed as an address to be records managed in the ARMS database, the system makes a permanent copy. This saves an addressee whom deletes a document by making it recoverable through the ARMS record managed blind copy.

As mentioned above, in order for ARMS to know the document is records managed, the addressee must appear on the ARMS database. The database must match the addressee's electronic address exactly, or ARMS does not make a copy of the document.

Point of Failure:

(1) On June 12, 1998 two Northrop Grumman contractors were discussing Lotus Notes design and account management. (2) While demonstrating features of the administrative properties of Lotus Notes it was discovered that there were several accounts that did not share the naming convention for the Lotus Notes Mail2 server. The server is named Mail2 and these entries used the MAIL2 syntax. This does not present a problem for e-mail transaction as a whole, but (3) ARMS requires addresses to be EXACTLY as in the database, or no record management is performed. Betty G. Lambuth was notified immediately of this situation. She notified Laura Crabtree, Ada Posey and Mark Lindsey.

Age of Problem:

In April of 1996 the Government began providing lists of new e-mail clients to be migrated to Notes to Dan Gunia, who was to do the administrative task of adding their information to the records management system. Dominick Carhart, of PRC, designed a program to aid in the migration of the users. The program was flawed, entering the new Notes clients into the system with improper syntax in the server name area, using all capital letters. One hundred-eighteen users were discovered to be affected by this problem. This was determined during a period of investigation and discovery from June 1998 through November 1998. During this period of discovery, Daniel Barry made written reports to James Wright on

NGL 00511

a weekly basis. (4) On November 20, 1998 the Mail2 server was "re-built" with the proper syntax applied for all of the current users. The back-up tapes from the time period in question were collected and stored in the data center and have not been recycled.

It should be pointed out here that this was not a solution to the overall problem of past non-records managed documents, but rather a stop to continuing that problem. The thought of simply re-building the former database from the backups was determined unacceptable because ARMS would set the date to the current date, vice the actual document date. In other words, a document received in June of 1996 that was records managed today would not show the 1996 date, it would appear as if it were received today.

Current Status:

(5) For the past four months it was believed that the Lotus Notes administrators had been sufficiently trained that no more occurrences of improper syntax would be used and all was well. Within the past week we have discovered three additional cases where the server name syntax was incorrectly entered and client's documents have not been records managed. This is on the Mail1 server, but it is the same problem. Although Northrop Grumman employees do not add new users to the database, we do perform administrative tasks on the servers and it was during the performance of these duties that these errors in syntax were discovered. To put it bluntly, the current status of the problem is "no change". Data input errors on the part of human beings is the source of the problem.

Proposed Solution:


(6) Eliminate the opportunity for human failure. Create software restrictions in the ability to add new users by ONLY allowing the correct syntax for each mail server. If wrong syntax is entered, prompt for the proper syntax. In the event that a non-records managed account must be created, allow for an over-ride of the required syntax. This action would be available as soon as software could be written with those restrictions.

In determining a solution we must decide what our end goal will be. Do we want to insure the problem never happens again? Do we want to go back and build records management for the entire three year period in question? Do we want to make sure that, in the event we are required to produce data, the taped backups of the servers are available? Are we required to do all of the above? I have outlined a solution for eliminating the human error aspect of the problem. This is pro-active and inexpensive. We have the backup tapes secured in the data center. We have submitted to the Government a proposal (Task OA8004, date: 10/20/1998) for the reconstruction of the e-mail in question.

(7) Lotus Notes versions 4.1 through 4.6 have been used during this period.

 Tracey A. Breeding
12/02/98 08:26:22 AM 


Record Type: Record

To: David G. Peterson/
cc:
Subject: ROM for Mail 2 E-Mail Reconstruction

----- Forwarded by Tracey A. Breeding/OA/EOP on 12/02/98 08:20 AM -----

 Tracey A. Breeding
12/02/98 08:23:32 AM 

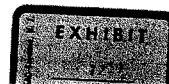
Record Type: Record

To: Joseph A. Vasta/
cc:
Subject: ROM for Mail 2 E-Mail Reconstruction

Joe,

This is to inform you that the ROM for Mail 2 E-Mail Reconstruction is \$602,492.00.

Tracy



NGL 00268

NORTHROP GRUMMAN
EOPNG-98-0127

To: DeVere Patton
COTR

cc: Tony Barry, Dale Helms, Lynnae Roscoe, Tracy Breeding, David Peterson

From: Joseph A. Vasta
Project Manager

Date: December 18, 1998

Subject: Weekly COTR Meeting December 16, 1998

Encl: (1) IWO Tracking Sheet (Hardcopy Only)

The weekly COTR meeting was held in the Northrop Grumman conference room on December 16, 1998. Attendees included Tony Barry, DeVere Patton, Tracy Breeding, David Peterson, and Joe Vasta.

Meeting Summary

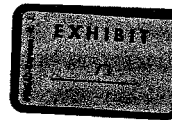
The consolidated IWO chart (Attachment 1) which was distributed at last week's meeting was used as the basis of the IWO review. A synopsis of the IWO review portion of the meeting follows. The Base Services IWO, 1999-EOP-001, was reviewed last.

- 1999-IST-002, Documentation and Modification of Lotus Notes/ARMS: There was no change in status for this IWO. This IWO is still in the Government's possession.
- 1999-EOP-003, E-mail Reconstruction Processing: There was no change in status for this IWO. Northrop Grumman had received from the Government electronic approval to perform services at a specified level. The Government stated this IWO has been signed.
- 1999-EOP-004, EOP Y2K Model 204 Data Extraction: Northrop Grumman received from the Government electronic approval to perform services of this IWO at a specified level. The Government stated this IWO had been signed. The

Northrop Grumman

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EOPNG-98-0127- December 18, 1998



NGL 00247

disposition of the personnel resources currently employed to support this IWO was discussed. To help ensure the availability of these highly talented personnel to support future EOP objectives, the M204 personnel are being considered as candidates to be assigned to the Base Services contract providing VMS support.

- 1999-CAB-005, Cabinet Affairs Support: There was no change of status with this IWO. Northrop Grumman requested the Government to open this IWO. The Government stated it was not clear whether this effort called for one or two personnel. The IWO is still in the Government's technical review process.
- 1999-EOP-006, OMB PC Rollout and Redeployment: There was no change of status with this IWO. The Government stated previously that this IWO had been signed by the CO and the new COTR.
- 1999-EOP-007, Mail 2 E-mail Reconstruction: There was no change of status with this IWO. This IWO and the ROM quote associated with it was previously submitted to the Government at the December 2, 1998 COTR meeting. The Government emphasized that before any work be undertaken, it is imperative that a tape inventory be done. Northrop Grumman re-emphasized that to perform a tape inventory would be very labor intensive especially in the absence of an automated tape management system. Northrop Grumman reiterated to the Government a separate IWO would be required to evaluate the tapes as the review of each tape exceeds an hour, and there are hundreds of tapes. The overall effort would far exceed the services covered in the Base Services IWO. The Government and Northrop Grumman agreed, once again, that at least one evaluation of a tape will be performed to validate the reconstruction process.
- 1999-EOP-008, Personnel and Payroll, Phase 1, Part 2: There was no change of status with this IWO. It is still in the Government's technical review process.
- 1999-EOP-009, PC Inventory: There was no change of status with this IWO. As requested by the COTR during the last meeting (12/2/98), Northrop Grumman provided the Government the requested IWO.
- 1998-EOP-021, PC Rollout and Redeployment: There was no change of status with this IWO. The action item to conduct a meeting to address the invoicing issue is still open.
- 1998-EOP-023, Re-engineering Office of the Executive Clerk: There was no change of status with this IWO. This IWO has been signed by the Government. Northrop Grumman and the Government still needs to work together to develop a

special invoicing methodology to use for this effort.

- **1998-EOP-001, Base Services:** There was no change of status with this IWO. The Government re-emphasized to Northrop Grumman that this IWO had been signed and returned to Northrop Grumman.

Other issues:

- **Late Deliverables:** The Government stated the weekly and monthly report submittals were late. Northrop Grumman explained that higher Government-prioritized requests for services had necessitated a re-direction of Northrop Grumman personnel effort to respond to those Government requests. Those re-directed personnel were responsible for providing inputs to those deliverables. The Government reiterated its request that all Government requests for Northrop Grumman services be routed through the COTR, Mr. DeVere Patton, before the requested services or tasks are initiated. The Government stated that if that procedure is followed, Northrop Grumman's late submittals could have been viewed in a less negative light. Northrop Grumman agreed to route all Government request for services through the COTR.
- **Internal Service Requests:** Northrop Grumman asked the Government to once again clarify the proper process to handle Government-initiated requests for Northrop Grumman services. The Government restated its preference that all requests for information, services, etc., should be routed through the COTR, Mr. DeVere Patton first. Northrop Grumman stated that it was trying to find ways 'across the board' to ensure the Government gets as much value for its money as possible. Northrop Grumman asked the Government to recommend a mechanism through which issues could be presented, evaluated, and resolved in a 'win-win' approach. Northrop Grumman theorized that such an approach would provide Northrop Grumman with a better understanding of the Government's long and short term objectives as well as give insight to the Government as to Northrop Grumman's objectives and strong customer-centered intentions to service the Government through the EOP contract. During this discussion, the PC Inventory IWO, 1999-EOP-009, was used as an example of the Government and Northrop Grumman not having a clear understanding of each organizations objectives and intentions.
- **Lotus Notes/ARMS Interface IWO:** The Government stated this IWO should be closed.

- **Tape IWO:** The Government stated it wants all work efforts understood this project was nearing completion, and the IS&T COTR was completely unaware of this activity until Tuesday, December 8, 1998. Additionally, the Government stated that this project appears to be in direct conflict with some IS&T objectives. After some discussion, the Government acknowledged the effort occurred through proper Government direction.
- **Past Due Invoices:** Northrop Grumman reminded the Government there were several past due invoices outstanding. The Government stated it would 'walk through' the older invoices so Northrop Grumman could get paid.
- **IWO Numbering Scheme:** The Government inquired about the IWO numbering scheme. Northrop Grumman agreed to provide an explanation to the Government regarding its rationale.
- **Network Manager Position:** The Government stated it would not accept Northrop Grumman's recommendation regarding the staffing of this position. Northrop Grumman stated that by December 23, 1998, it would submit to the Government a formal request to establish the 'acting' manager as the permanent manager. Northrop Grumman is strongly confident in the 'acting' manager's competence even though that person does not meet all the position description qualifications for that position.
- **Short Paid Invoice:** The Government notified Northrop Grumman that it had 'short paid' the invoice submittal which contained the transition expenses of the previous Northrop Grumman EOP Project Manager. The Government stated that the Phase-in Plan, 1997-EOP-001, was completed, but the rejected expenses in the amount of \$19,200.00 was not paid.
- **1998 Award Fee:** There was no change of status with this issue. Northrop Grumman stated it was still not informed about the Government's determination of this issue.
- **1999 Award Fee Plan Criteria:** There was no change of status with this IWO. Northrop Grumman stated it continues to be very concerned regarding this issue. Northrop Grumman still does not know the criteria by which it is being judged.
- **Action Item Review:** Open action items were reviewed. No new action items

were created.

- AI# 0015, Reconciliation of IWO Deliverables. This is a two-part Action Item. Part one concerned the deliverables, it is complete; part two concerns the invoices, it is incomplete. (Northrop Grumman action)
- AI#0018, Award Fee Percentage. (Government action)
- AI# 0022, PC Rollout & Redeployment Invoicing. (Northrop Grumman and Government action)
- AI# 0023, 1998 Award Fee Status. (Government action)
- AI# 0024, Tape Reconstruction Concept. (Northrop Grumman action)
- AI# 0025, Signed IWO Sheets. (Government action)
- AI# 0026, 1999 Award Fee Plan Criteria. (Government action)

Meeting Title: NG/Govt. Status Meeting	Meeting Originator: Al Leister	Meeting Date: September 1, 1999
Attendees: Al Leister; Tony Barry; Robert Hughes; Eric Ritter; Mark Bartholomew; Chip Sparks; Calvin Crossman; RC Cavazos; Marvin Miller; Jim Wright; Monty Haymes; Dee Chapman		

Ritter

Travel Manager in progress. Test began yesterday.

- Have not received go-ahead to push 150 yet.

Chip: Working on problems – Eric will be informed when fixed.

- CMC is in to take care of remaining 3.5 servers.
- OA-6 server which serves Correspondence needs to be bumped to 4.0.
- DHCP2 needs to be bumped to 4.0.
 - Develop project plan.

Chip and Eric to discuss off line.

- WINPORT CMC approved.
 - Going forward with migration to 4.0.
- Back-up Study on-going.
 - Need solution to speed up throughputs.
- Developing information for upgrade for Mail3.
 - Need Goods and Services for memory and space.
- Fiber connection with Wisdom group.
 - AT&T servers on our domain - security implementation.
- VAX group working on firewall reconfiguration.
 - ARMS interface E-mail.
- Sandi Golas is working on NSC mail system.
 - Begins testing September 5.
 - and Eric to discuss this subject offline.
- Sandi Golas is working on ARMS management "stuff."
- Internet and Security (September 9).
- Security Audit started (part of routine requirements).
- Gatekeeper to be replaced by September 15.
- WH.gov will be replaced September 30.
- Mail Gateway to be replaced by September 15.
- ACE to N.T in progress.
- Systems Engineering (AIX) RS6000 migration on-going – completion by September 15.
- Project Plan in work to move CICS to SYS-C.
- Tom Suarez and Enterprise working on mass storage solution.
- FAMUS production scheduled for October 1.
- Tony Barry comment: A meeting was held with Sandi Golas today with Tony Barry, R.C. Cavazos, and Jim Wright regarding tape situation.
- Status of action item from last week re: reassignment of two employees to assist Rick Burger.
 - Chris Dupuis was selected from NG.
- IB Terry who has been working on WRQ is devoting spare time to Y2K efforts.
- Chip Sparks's question: Where do the OMB requirements fit?
 - Brian Reese is assigning priorities.



NGL 00177

NORTHROP GRUMMAN

EOPNG-99-0035

To: DeVere Patton
COTR

cc: Tony Barry, Dale Helms, Lynnae Boscoe, Joe Vasta

From: Joseph A. Vasta
Project Manager

Date: February 2, 1999

Subject: Weekly COTR Meeting January 27, 1999

Encl: IWO Tracking Sheet
Voucher Tracking Sheet

The weekly COTR meeting was held in the Northrop Grumman conference room on January 27, 1999. Attendees included Tony Barry, DeVere Patton, Tracy Breeding, David Peterson, and Joe Vasta.

Meeting Summary**IWO Review**

- 1998-EOP-001: Base Services: No change in the status of this IWO.
- 1999-EOP-003, E-Mail Reconstruction Processing: The Government asked Northrop Grumman to investigate overtime associated with this IWO from October 1, 1998 to December 31, 1998 and from October 1, 1998 to November 20, 1998.
- 1999-EOP-004, EOP Y2K Model 204 Data Extract: No change in the status of this IWO. All deliverables as specified in this IWO for the Security Tracking System effort have been delivered to the Government. M204 personnel continue to follow the task flow as specified in the SOW and, as directed by the Government, to proceed with work on ERS using funds that were not exhausted on the Security Tracking System effort.
- 1999-EOP-004a, EOP Y2K Model 204 Data Extract (ERS): The Government stated that extensive conversation regarding this IWO still needs to occur. The Government stated it would notify Northrop Grumman regarding the determination as a result of these conversations. A technical and cost proposal for ERS had been submitted to the Government as an addendum to the original M204 Data Extraction. As stated above, M204 personnel continue to work on ERS using funds that were not exhausted on the Security Tracking System effort. Northrop Grumman notified the Government that only one more week's funding was available to support this effort.

NORTHROP GRUMMAN

EOPNG-99-0035 - February 2, 1999



NGL 00205

- 1999-EOP-005, Cabinet Affairs Support: No change in the status of this IWO. It remains within the Government's domain for determination.
- 1999-EOP-006, OMB PC-Rollout and Redeployment: The Government stated that it wants the first 20 desktops to be rolled out under IWO 1998-EOP-021, PC Rollout and Redeployment, before rollout work begins on this IWO.
- 1999-EOP-007, Mail 2 E-Mail Reconstruction: The Government inquired about Northrop Grumman's methodology regarding tape inventory and tape tracking. The Government stated that its effort to automate the tape inventory/tracking functions were not going to happen. The Government asked Northrop Grumman to revisit this issue from October 1997, when Northrop Grumman was awarded the EOP contract, and provide a tape inventory from that point. The tape inventory should include tape ID, volume, dataset ID, etc.
- 1999-EOP-009, Pre-installation Site Survey: The Government stated that this IWO has been signed by the COTR and the CO. The Government also stated that it expected this IWO to be delivered today, January 27, 1999.
- 1999-EOP-010, President's State of the Union Address: Northrop Grumman stated that it would provide the Government with the actual hours charged against this effort by close of business today, January 27, 1999.
- 1998-EOP-021, PC Rollout and Redeployment: There was no change in the status of this IWO other than was specified as it related to IWO 1999-EOP-006, OMB PC Rollout and Redeployment.
- 1998-EOP-023, Re-Engineering Office of the Executive Clerk: There was no change in the status of this IWO.

Voucher Review

Six vouchers were again given visibility in the voucher tracking system.

- Voucher 11B, Base Services Invoice, CLIN 0202B in the amount of \$30,541.78 for FY 98 was submitted to the Government on December 30, 1998.
- Voucher 12Op, Optional Services Invoice, CLIN 0202AA in the amount of \$97,346.33 for FY 98 was submitted to the Government on December 30, 1998.
- Voucher 12B, Base Services Invoice, CLIN 0202AA in the amount of \$77,219.95 for FY 98 was submitted to the Government on January 20, 1999.
- Voucher 13Op, Optional Services Invoice, CLIN 0202AA in the amount of \$38,700.62 for FY 98 was submitted to the Government on January 20, 1999.
- Voucher 1B, Base Services Invoice, CLIN 0202C in the amount of \$1,203,464.17 for FY 99 was submitted to the Government on January 20, 1999.
- Voucher 1Op, Optional Services Invoice, CLIN 0202AB in the amount of \$40,443.66 for FY 99 was submitted to the Government on January 20, 1999.

submitted to the Government on January 20, 1999.

Other Issues:

- **New IWOs:** The Government stated it plans to open a new IWO to better allocate two personnel resources as they split their time between Base Services activities and Y2K-specific activities. Additionally, these personnel would be changing status from part-time to full-time for the remainder of the fiscal year and the calendar year. Northrop Grumman asked the Government for relief because as it would experience a overrun of the Base Services contract if the Government proceeds with that course of action. Additionally, Northrop Grumman advised the Government that it too was in the process of preparing an IWO.
- **M204 IWO:** The Government acknowledged that the IWO to continued work on ERS is within its domain. The Government stated it planned to discuss the issue internally.
- **Awards Fee:** The Government stated that the award fee determinator is reviewing this issue.

Action Item Review

All open action items were reviewed. No new action items were generated. The following action items were statused as indicated below.

- AI 0018, Award Fee Percentage. (Government Action)
- AI 0025, Signed IWO Sheets. (Government Action)
- AI 0029, Expense Report Invoice Review. (Government Action)

Joseph A. Vasta
11/16/98 07:17 AM

Record Type: Record

To: John E. Spriggs/ [REDACTED]
cc:

Subject: MAIL 2 meeting

John:

Are you available on Thursday of Friday to meet with Tony?

Joe

----- Forwarded by Joseph A. Vasta/OA/EOP on 11/16/98 07:18 AM -----

DANIEL A.
BARRY

11/12/98 07:01:52 AM



Record Type: Record

To: Joseph A. Vasta/ [REDACTED], John E. Spriggs/ [REDACTED]

cc: DeVere R. Patton/ [REDACTED], James B. Wright/ [REDACTED], Lynnae C. Roscoe/ [REDACTED], Robert D. Helms/ [REDACTED]

Subject: MAIL 2 meeting

Joe, John;

We need to sit down soon and discuss the approach to accomplishing this task. It is clear (At least to me) that we cannot proceed as described in the IWO.

When is good for you guys. ?

Later... Tony



NGL 00379



Karl H. Heissner

04/08/99 12:25 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Mail2/Mail1 Servers

Can we meet tomorrow, Friday, at 14:00 to discuss technical issues related to records management and the re-cycling of production server backup tapes? This is an important meeting, please confirm.

Thank you.

Message Sent To:

Robert E. Whiteman
John E. Spriggs
Nelle W. Doering
Daniel A. Barry
Mark H. Bartholomew
Jack S. Fox



NOT 00000

Yiman F. Salim
04/09/99 05:05 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:

Subject: New ARMS issue

Meeting minutes on the New ARMS issue,

Attendees: Karl Heissner, Tony Barry, Bob Whiteman, Eric Ritter, Yiman Salim and Marvin Miller.







The purpose of the meeting was to brief Government on the new ARMS issue problem recently discovered by Northrop Grumman. The problem was stated as follows: all external "non-Notes" mail received by users whose first name starts with the letter "D" has not been records managed since November of 1998. The technical details of this problem were explained and the following was agreed on:

1. The same methods used to resolve the Mail2 and Mail1 records management problem will be used to correct this problem.
2. NG will develop a plan to document the methods of resolution to this problem and thus to the Mail2 and Mail1 problem.
3. Additional resources will be made available to John Spriggs, as discussed in a previous meeting pertaining to records management of all Mail2 and Mail1 server accounts.
4. NG (John Spriggs, Yiman Salim and Marvin Miller) will meet on Monday morning to discuss documentation and implementation of the plan.
5. Attendees to this meeting and John Spriggs will meet Monday afternoon to give status on plan development.

Attach please find a write-up describing the problem. The write-up omitted mentioning that the only affected mail is incoming mail external to Lotus Notes, such as Internet mail or mail received from All-in-1. Any other mail being sent by these accounts or any mail sent to these accounts via Lotus Notes is being records managed correctly.

Write-up on new ARMS issue -> 

Message Sent To:

Karl H. Heissner/
Daniel A. Barry/
Robert E. Whiteman/
Michael E. Ritter/
John E. Spriggs/
Marvin Miller/



NGL 00497

MAIL 1 SERVER
OMB USERS
54 TOTAL USERS

Arbuckle, Donald	Rivelli, Donna
Benoit, Deborah	Robinson, Donovan
Bernell, David	Rose, David
Berry, David	Rostker, David
Bond, Debra	Rowe, David
Bray, Denise	Stahlman, David
Chapin, Derek	Stout, Dennis
Chenok, Daniel	Tornquist, David
Childs, David	Tuck, Donald
Collins, Debra	Wells, Diane
Comstock, Douglas	Werfel, Daniel
Costello, Daniel	Williams, Debra
Ermann, Danny	Wingard, Doris
Espinosa, Diana	Woollen, Dawn
Fleming, Darlene	Zavada, David
Flower Lake, Dana	
Gallo, Dina	
Gayle, Darcel	
Gaymon, Darlene	
Ham, Dianne	
Hardy, Dionne	
Haun, David	
Heath, Daniel	
Johnson, Darrell	
LaPlaca, Daniel	
Lee, Dee	
Mann, Dalton	
McCormick, Douglas	
Mendelson, Daniel	
Meredith, Diana	
Montgomery, Diane	
Morrison, David	
Motley, Delphine	
Muzio, David	
Noble, Desiree	
Norwood, Douglas	
Park, Darrell	
Pitkin, Douglas	



NGL 00530

Radzanowski, David

MAIL2
77 TOTAL USERS

CEA 1 USER

Elmendorf, Douglas

CEQ 4 USERS

Bear, Dinah
Burststein, Daniel
Rejeski, David
Sandalow, David

NSC 19 USERS

Akers, Dale
Avery, Dale
Bandler, Donald
Bayley, Douglas
Benjamin, Daniel
Dejban, Donna
Erdahl, Douglas
Halperin, David
Higgins, David
Kale, Dora
Kaplan, Dean
Locke, Dwayne
Mitchell, Donald
Motherway, Daniel
Peterman, David
Roach, Darren
Sanborn, Daniel
Sherman, David
Wippman, David

OPD 8 USERS

Addy, Dede

NGL 00531

Adler, Deborah
Hammonds, D Holly
Marchick, David
Montoya, Daniel
Noyce, David
Pearah, David
Robyn, Dorothy

WHCCTF 3 USERS

Forrister, Dirk
Stone, Diane
White, David

WHO 42 USERS

Band, Douglas
Belsky, David
Bird, Debra
Burkhardt, Daniel
Cano, Dominique
Carroll, Donna
Chirwa, Dawn
Cohen, Delia
DeGuzman Jr, Danilo
Diorio, Denise
Donnelly, Diana
Goldberg, Diane
Gomez, Dario
Goodfriend, David
Goodwin, Donald
Hicks, David
Holt, Daniel
Howard, Derek
Ho, Deborah
Jones, Deborah
Kalbaugh, David
Lieber, David
Marcus, Dan
McGhee, Dougretta
Mohile, Deborah
Nanau, Daniela
Neslen, David

Nionakis, Dimitri
Parker, Doris
Peters, Denver
Premysler, Debra
Rosenthal, Dan
Salcido, Dorinda
Smalls, Dawn
Smith, Dorothea
Snyder, Douglas
Sosnik, Douglas
Strand, Dana
Turner, Darryl
Vega, Dag
Weaver, Dorian
Wood, Debra

MAIL 3 SERVER
29 TOTAL USERSNSC 2 USERS

Johnson, David
Leavy, David

OA 1 USER

Ramsey, Dewitt

ONDCP 20 USERS

Blank, David
Cheatham, David
Dail, Daniel
Davis, Darlind
Des Roches, David
Falls, Donald
Greenhouse, Dennis
Holmes, David
King, David
Lyman, Daria
Morgan, Daniel
Rader, Daniel
Rivait, David
Schecter, Daniel
Schweiger, Daryl
Shull, David
Taylor, Dorothea
Thomas, Darryl
Vercen, Donald
Winfield, Darryl

OSTP 6 USERS

Behring, Deanna
Coleman, Donna
McGovern, Deborah

971

Moore, Duncan
Pryor, Donald
Stevens, David

NGL 00535

MAIL 5 SERVER
30 USERS

OA 30 USERS

Abrams, David
 Baker, Donna
 Barry, Daniel
 Breese, David
 Bronson, Derwin
 Buck, Daniel
 Chapman, Delores
 Clarke, Dale
 Cleal, Dorothy
 Cross, David
 Crumling, Dorothy
 Davis, Daniel
 Des Roche, David
 Gomes, Deborah
 Johnson, Donald
 Matties, Douglas
 Miller, Dale
 Moore, Daniel
 Pannell, Dorian
 Patton, DeVere
 Peterson, David
 Plummer, Donald
 Pow, Deborah
 Reid, Debra
 Reid, Demetrius
 Smith, Deion
 Smith, Diane
 Tarkir, Dianne
 Vines, Denise
 Washington, Denise

RDS1 SERVER
1 USER

OA 1 USER

Butler, Darryl

GRAND TOTAL 191 USERS

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Dorothy E. Cleal (CN=Dorothy E. Cleal/)

CREATION DATE/TIME: 23-FEB-1999 12:00:00.00

SUBJECT: Issue Papers for Appropriations Hearing

TO: Christa Moyle (CN=Christa Moyle/)

READ: UNKNOWN

TEXT:

fyi

----- Forwarded by Dorothy E. Cleal/ on 02/23/99
11:59 AM -----

Karl H. Heissner

02/05/99 09:08:24 AM

Record Type: Record

To: Dorothy E. Cleal/

cc:

Subject: Issue Papers for Appropriations Hearing

----- Forwarded by Karl H. Heissner/ on 02/05/99
09:07 AM -----

Karl H. Heissner

02/05/99 09:06:23 AM

Record Type: Record

To:

cc:

Subject:

=====I
Note:

Issue: Mail2 Reconstruction (document attached)

Issue: Information Requests

E 3957

While I'll be glad to write up something related to the "Information Requests" channeled to us via White House Counsel in response to various requests from Congress and litigants against the Government, we may not want to call undue attention to the issue by bringing the issue to the attention of Congress because

Last year's hours consumed by SID staff amounts to only a little over 500, This year's hours consumed so far amounts to only 65, and The level of requests appears to be declining.

(Let sleeping dogs lie...)



Karl
.....

Issue: Mail2 Reconstruction

Background and Definition of Problem

In early 1998 Tony Barry, an IS&T Analyst, discovered that some e-mail messages he expected to find during a records search failed to show up. Further research revealed:

o Some time during the last 2 years the profiles of at least 420 Lotus Notes e-mail user databases existing on Server Mail2/EOP were set up incorrectly causing some or perhaps all incoming e-mail messages originating outside the EOP environment to not be "records managed." As best as can be determined the failure began in November/December of 1996.

"Records management," mandated by law, requires among other things that incoming and outgoing e-mail meeting certain criteria to be considered "Federal Records" be archived for future retrieval.

o The problem, that some e-mail messages were not being records managed properly, was discovered in February 1998, and Mr. Barry immediately notified the Lotus Notes Group (NG-Spriggs/Golas) as well as IS&T Management of the problem.

o In June 1998 the Notes Administrator (NG-Haas) determined that only certain e-mail messages received by the Notes Mail2 Server from sources outside the EOP were not being records managed, and identified the technical causes for the failure.

o Several months went by before the correction was made by Northrop Grumman (NG) staff on November 20, 1998. In the interim, the failure to records manage certain incoming e-mail messages continued.

o Lotus Notes Desktop system files appear to have been backed up periodically between 1996 and 1998, though a complete tape inventory does not currently appear to exist.

o The process of forwarding "records" subject to Federal Records Management rules involves the invocation of undocumented software modules written several years ago by a contractor in C++ and Notes Scripts.

o At the prompting of Tony Barry NG provided IS&T with a proposal for the design of a system designed to recover the missing records. The title of the 47-page Statement of Work, developed according to the EOP SDLC Guidelines, is "Management & Technical Support for Rapid Application Development of Mail2/EOP Records Management Documents Recovery," dated October 20, 1998. Following the EOP Systems Development Life Cycle Manual to the letter, the approximate cost for the system design is \$602,000.

E 3958

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D1]MAIL42804575U.036 to ASCII.
The following is a HEX DUMP:

[illegible]

72657665616C65643ACCC6FE0300C000000008070C00E0536F6D658074696D6580647572696E

6780746865806C6173748032807965617273807468658070726F66696C6573806F66806174806C
 6561737480343230804C6F747573804E6F7465738065846D61696C8075736572D0011500000000
 090001100E60090A0001201500D0646174616261736573806578697374696E67806F6E80536572
 766572804D61696C322F454F5080776572658073657480757080696E636F72726563746C798063
 617573696E6780736F6D65806F72807065726861707380616C6CCF696E636F6D696E678065846D
 61696C806D65737361676573806F726967696E6174696E67806F7574736964658074686580454F
 5080656E7669726F6E6D656E7480746F806E6F7480626580227265636F726473CF6D616E616765
 642E2280417380626573748061738063616E8062658064657465726D696E656480746865806661
 696C75726580626567616E80696E804E6F76656D6265722F446563656D626572806F6680313939
 362ED004170000D00000002080728230807282302201700D0CC6E0300C000000008070C00E022
 5265636F726473806D616E6167656D656E742C22806D616E6461746564806279806C61772C8072
 6571756972657380616D6F6E67806F74686572807468696E6773807468617480696E636F6D696E
 6780616E64CF6F7574676F696E678065846D61696C806D656574696E67806365727461696E8063
 7269746572696180746F80626580636F6E7369646572656480224665646572616C805265636F72
 64732280626580617263686976656480666F72CF6675747572658072657472696576616C2E80D0
 04170000D000000002080728230807282302201700D0CC6E0300C000000008070C00E0546865
 8070726F626C656D2C807468617480736F6D658065846D61696C806D6573736167657380776572
 65806E6F74806265696E67807265636F726473806D616E616765648070726F7065726C792C8077
 6173D0011500000000000018016D01130001201500D0646973636F766572656480696E804665
 62727561727900113939382C80616E64804D722E80426172727980696D6D6564696174656C7980
 666F74696669656480746865804C6F747573804E6F7465738047726F7570CF284E478453707269
 6767732F476F6C6173298061738077656C6C8061738049532654804D616E6167656D656E74806F
 66807468658070726F626C656D2ED004170000D000000002080728230807282302201700D0CC6F
 E0300C0000000008070C00E0496E804A756E6580313939388080746865804E6F7465738041646D
 69666973747261746F7280284E478448616173298064657465726D696E65648074686174806F6E
 6C79806365727461696E8065846D61696C80D011500000B00090001401A9015170001201500D06D
 6573736167657380726563656976656480627980746865804E6F746573804D61696C3280536572
 7669728066726F6900736F7572636573806F7574736964658074686580454F508077657265806E
 674806265696E7CF7265636F726473806D616E616765642C80616E64806964656E7469666965
 648074686580746563686E6963616C8063617573657380666F7280746865806661696C7572652E
 D004170000D000000002080728230807282302201700D0CC6FE0300C0000000008070C00E05365
 766572616C806D6F6E7468738077656E74806279806265666F72658074686580636F7272656374
 696F6E80776173806D616465806279804E6F727468726F70804772756D6D616E80284E47298073
 7461666D0011500000B00090001001E5019180001201500D06F6E804E6F76656D626572803230
 2C80313939382E8080496E8074686580696E746572696D2C80746865806661696C75726580746F
 807265636F726473806D616E616765806365727461696E80696E636F6D696E678065846D61696C
 CF6D6573736167657380636F6E74696E7565642ED004170000D000000002080728230807282302
 201700D0CC6FE0300C0000000008070C00E04C6F747573804E6F7465738044657368746F708073
 797374656D8066696C65738061707065617280746F8068617665806265656E8062616368656480
 757080706572696F646963616C6C79806265747765656E8031393936D001150000000090001C0
 21101D1F0001201500D0616E6480313939382C8074686F756768806180636F6D706C6574658074
 61706580696E74656E746F727980646F6573806E6F748063757272656E746C7980617070656172
 80746F8065786973742ED004170000D000000002080728230807282302201700D0CC6FE0300C00
 00000008070C00E05468658070726F63657373806F6680666F7277617264696E6780227265636F
 72647322807375626A65637480746F804665646572616C805265636F726473804D616E6167656D
 656E748072756C657380696E766F6C766573D0011500000000900019024E01F220001201500D0
 74686580696E766F686174696E74806F6680756E646F63756D656E74656480736F667477617265
 806D6F64756C657380772697474656E807365766572616C8079656172738061676F8062798061
 80636F6E74726163746F72CF696E804328280616E64804E6F74657380536372697074732E8080
 D004170000D000000002080728230807282302201700D0CC6FE0300C0000000008070C00E04174
 807468658070726F6D7074696E67806F668080546F6E79804261727279804E478070726F766964
 65648049532654807769746880618070726F706F73616C80666F72807468658064657369676E80
 6F668061D0011500000B000900015028A023260001201500D073797374656D8064657369676E65
 6480746F807265636F76657280746865806D697373696E67807265636F7264732E808054686580
 7469746C65806F668074686580343784706167658053746174656D656E74806F6680576F726B2C
 CF646576656C6F706564806163636F7264696E6780746F8074686580454F508053444C43804775
 6964656C696E65732C8080697380224D616E6167656D656E74802680546563686E6963616C8053
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E 3963

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00D0E0110C0000000008070C00E0E0110C0000000060090C00E0E0110C000000008080C00E06FE
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74616C80636F6D706C6578697479806F66807468658073797374656DC696E8077686963688074
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806C616E6775616765807368696C6C732ECCF1014302F1
***** END ATTACHMENT 1 *****

```

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Daniel A. Barry (CN=Daniel A. Barry/)

CREATION DATE/TIME: 26-JAN-1999 15:20:56.00

SUBJECT: Re: EOP Executive Hearing Preparations

TO: Dorothy E. Cleal (CN=Dorothy E. Cleal/)

READ: UNKNOWN

TEXT:

Dottie;

It is a possibility that MAIL 2 reconstruction should be added to the list
?? I believe that the ARMSTRONG category under "litigation" encompasses
all the projects that are part of that settlement i.e. PROFS , ARMS and
ALL-IN-1 e-mail reconstruction.

I am not sure if the ARMS-NARA data reformatting project should be added ?

The Alexander case may want to be added under litigation.

That's all the input I can think of at this point

E 3970



RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Daniel A. Barry (CN=Daniel A. Barry/)

CREATION DATE/TIME: 24-DEC-1998 09:48:21.00

SUBJECT: Info for Legal re ARMSTRONG

TO: Joseph G. Kouba (CN=Joseph G. Kouba/)

READ: UNKNOWN

CC: Dorothy E. Schott (CN=Dorothy E. Schott/)

READ: UNKNOWN

TEXT:

Joe;

Here is the matrix that we talked about on Wed. I will be in on Tuesday 12/29. Do not move this forward until Dottie has seen the final we come up with.

Thanks.

This matrix contains all ARMSTRONG* related projects (Not already in progress and funded) and is in three tiers:
First tier is the projects that I think should be done or started
Second tier is possible Y2k related
Third tier is projects that could be done but are not vital**.

Project

name

99 cost 2000 cost

ARMS Tape conversion

120,000

350,000

VAX Y2k compliance

100,000

ARMS Y2k compliance

100,000

Monitor facility rewrite (ALL-IN-1 removal)

100,000

NOTES/ARMS interface Y2k compliance

200,000

Mail 2 reconstruction (Project X)

650,000 1,000,000

ARMS II

2,000,000

2,000,000

*ARMSTRONG related means that one could make the case for ARMSTRONG funds

** In my opinion

E 4059



RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Daniel A. Barry (CN=Daniel A. Barry, [REDACTED])

CREATION DATE/TIME: 14-JAN-1999 12:40:37.00

SUBJECT: Re: Memo for RAR9126

TO: Joseph G. Kouba (CN=Joseph G. Kouba, [REDACTED])
 READ: UNKNOWN

TEXT:
 Joe;

As a followup...

Pls remove the "project X " designation on the ARMS financial sheet.

We need to keep in mind that the ARMS tape conversion project will probably not come for ARMSiRONG.

Also NO Y2K projects are on this sheet... Just wanted to point that out.

Later... Tony

E 3896



RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: James B. Wright (CN=James B. Wright/)

CREATION DATE/TIME: 15-JUL-1998 07:51:33.00

SUBJECT: Comp time for last week

TO: Deborah J. Pow (CN=Deborah J. Pow/)

READ: UNKNOWN

CC: Daniel A. Barry (CN=Daniel A. Barry/)

READ: UNKNOWN

TEXT:

approved comp.

----- Forwarded by James B. Wright/ on 07/15/98
08:05 AM -----

DANIEL A.

BARRY

07/14/98 10:55:49 AM

Record Type: Record

To: Deborah J. Pow/

cc: James B. Wright/

Subject: Comp time for last week

Debbie;

I had the following Comp time last week:

Monday 7/6 - 4 hours - Alexander case Transcript and Search estimates

Tuesday 7/7 - 4 hours - Alexander case transcript and search estimate

Thursday 7/9 - 1 hour - Mail 2 problem

TOTAL 9 hours

Later... Tony

E 4021



RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Daniel A. Barry (CN=Daniel A. Barry/)

CREATION DATE/TIME: 14-JUL-1998 14:03:53.00

SUBJECT: Comp time for last week

TO: Deborah J. Pow (CN=Deborah J. Pow/)

READ: UNKNOWN

CC: James B. Wright (CN=James B. Wright/)

READ: UNKNOWN

TEXT:

Debbie;

I had the following Comp time last week:

Monday 7/6 - 4 hours - Alexander case Transcript and Search estimates

Tuesday 7/7 - 4 hours - Alexander case transcript and search estimate

Thursday 7/9 - 1 hour - Mail 2 problem

TOTAL 9 hours

Later... Tony

E 4018



RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Lotus Pager Gateway (Lotus Pager Gateway [UNKNOWN])

CREATION DATE/TIME: 22-DEC-1998 11:03:56.00

SUBJECT: Re: Mail 2 problems under investigation (Sent to: ASHLEY L. RAINES [Pager])

TO: Barry M. Shay (CN=Barry M. Shay/)
 READ: UNKNOWN

TEXT:

To: IST-MGMT-PAGER
 DANIEL (Pager) #HOLT
 ASHLEY L. (Pager) #RAINES

cc:
 From: Barry M. Shay
 Date: 12/22/1998
 Time: 10:59:21
 Subject: Mail 2 problems under investigation
 Body:

Priority:

 Message history for recipient ASHLEY L. RAINES [Pager]
 Tuesday 22 Dec 1998 11:01:41 Eastern Standard Time - Message received by
 Pager Gateway
 Tuesday 22 Dec 1998 11:02:41 Eastern Standard Time - Message received by
 Paging Service

E 4053



RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Lotus Pager Gateway (Lotus Pager Gateway [UNKNOWN])

CREATION DATE/TIME: 22-DEC-1998 11:03:22.00

SUBJECT: Re: Mail 2 problems under investigation (Sent to: MARK (SKY) LINDSAY [Pager])

TO: Barry M. Shay (CM=Barry M. Shay/)

READ: UNKNOWN

TEXT:

IST-MONT-PAGER
DANIEL (Pager) #HOLT
ASHLEY L. (Pager) #RAINES

cc:

From: Barry M. Shay

Date: 12/22/1998

Time: 10:59:21

Subject: Mail 2 problems under investigation

Body:

Priority:

Message history for recipient MARK (SKY) LINDSAY [Pager]

Tuesday 22 Dec 1998 11:00:50 Eastern Standard Time - Message received by

Pager Gateway

Tuesday 22 Dec 1998 11:02:08 Eastern Standard Time - Message received by

Paging Service

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Lotus Pager Gateway (Lotus Pager Gateway [UNKNOWN])

CREATION DATE/TIME: 22-DEC-1998 11:03:23.00

SUBJECT: Re: Mail 2 problems under investigation (Sent to: SHERYL (SKY) HALL [Pager])

TO: Barry M. Shay (CN=Barry M. Shay/)

READ: UNKNOWN

TEXT:

To: 1ST-NMGT-PAGER
DANIEL (Pager) #HOLT
ASHLEY L. (Pager) #RAINES

cc:
From: Barry M. Shay
Date: 12/22/1998
Time: 10:59:21
Subject: Mail 2 problems under investigation
Body:

Priority:

Message history for recipient SHERYL (SKY) HALL [Pager]
Tuesday 22 Dec 1998 11:00:50 Eastern Standard Time - Message received by
Pager Gateway
Tuesday 22 Dec 1998 11:01:35 Eastern Standard Time - Message received by
Paging Service

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Barry M. Shay (CN=Barry M. Shay/)

CREATION DATE/TIME: 22-DEC-1998 11:00:03.00

SUBJECT: Mail 2 problems under investigation

TO: Sandip M. Sharma (CN=Sandip M. Sharma/)
 READ: UNKNOWN

TO: James A. Smith Sr. (CN=James A. Smith Sr./)
 READ: UNKNOWN

TO: Barry M. Shay (CN=Barry M. Shay/)
 READ: UNKNOWN

TO: Shawna L. Morris (CN=Shawna L. Morris/)
 READ: UNKNOWN

TO: Todd B. Dawson (CN=Todd B. Dawson/)
 READ: UNKNOWN

TO: Roy E. Chasez (CN=Roy E. Chasez/)
 READ: UNKNOWN

TO: Dorothy E. Schott (CN=Dorothy E. Schott/)
 READ: UNKNOWN

TO: William H. VanHorn (CN=William H. VanHorn/)
 READ: UNKNOWN

TO: Conrad J. Ribeiro (CN=Conrad J. Ribeiro/)
 READ: UNKNOWN

TO: Bryan A. Reese III (CN=Bryan A. Reese III/)
 READ: UNKNOWN

TO: Sheryl L. Hall (CN=Sheryl L. Hall/)
 READ: UNKNOWN

TO: Joseph A. Vasta (CN=Joseph A. Vasta/)
 READ: UNKNOWN

TO: James B. Wright (CN=James B. Wright/)
 READ: UNKNOWN

TO: Robert E. Whiteman (CN=Robert E. Whiteman/)
 READ: UNKNOWN

TO: EOPDC Operations (CN=EOPDC Operations/) E 4010
 READ: UNKNOWN

TO: Sharon L. Mitchell (CN=Sharon L. Mitchell/)
 READ: UNKNOWN

TO: Mark F. Lindsay (CN=Mark F. Lindsay/)
 READ: UNKNOWN

TO: Karl H. Heissner (CN=Karl H. Heissner/)

991

READ:UNKNOWN

TO:Patrick L. Drenning (CN=Patrick L. Drenning/[REDACTED]
READ:UNKNOWN

TO:Dorothy Crumling (CN=Dorothy Crumling/[REDACTED]
READ:UNKNOWN

TO:Raul R. Cavazos (CN=Raul R. Cavazos/[REDACTED]
READ:UNKNOWN

TO:Mark H. Bartholomew (CN=Mark H. Bartholomew/[REDACTED])
READ:UNKNOWN

TEXT:
Resource: Mail 2 e-mail users
People affected: Mail 2 users
Cause: Being investigated by Network group

Paged Raines and Holt

E 4011

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Lotus Pager Gateway (Lotus Pager Gateway [UNKNOWN])

CREATION DATE/TIME: 22-DEC-1998 11:03:24.00

SUBJECT: Re: Mail 2 problems under investigation (Sent to: EOPDC OPERATIONS TESTIN (SKY) [P

TO: Barry M. Shay (CN=Barry M. Shay/[REDACTED])

READ: UNKNOWN

TEXT:

To: IST-MGMT-PAGER
DANIEL (Pager) #HOLT
ASHLEY L. (Pager) #RAINES

cc:
From: Barry M. Shay
Date: 12/22/1998
Time: 10:59:21
Subject: Mail 2 problems under investigation
Body:

Priority:

Message history for recipient EOPDC OPERATIONS TESTIN (SKY) [Pager]
Tuesday 22 Dec 1998 11:00:50 Eastern Standard Time - Message received by
Pager Gateway
Tuesday 22 Dec 1998 11:01:33 Eastern Standard Time - Message received by
Paging Service

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Lotus Pager Gateway (Lotus Pager Gateway [UNKNOWN])

CREATION DATE/TIME: 22-DEC-1998 11:04:38.00

SUBJECT: Re: Mail 2 problems under investigation (Sent to: JOE (M) VASTA [Pager])

TO: Barry M. Shay (CN=Barry M. Shay/)

READ: UNKNOWN

TEXT:

To: IST-MGMT-PAGER
DANIEL (Pager) #HOLT
ASHLEY L. (Pager) #RAINES

cc:
From: Barry M. Shay
Date: 12/22/1998
Time: 10:59:21
Subject: Mail 2 problems under investigation
Body:

Priority:

Message history for recipient JOE (M) VASTA [Pager]
Tuesday 22 Dec 1998 11:02:16 Eastern Standard Time - Message received by
Pager Gateway
Tuesday 22 Dec 1998 11:03:21 Eastern Standard Time - Message received by
Paging Service

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Barry M. Shay (CN=Barry M. Shay/[REDACTED])

CREATION DATE/TIME: 22-DEC-1998 11:00:03.00

SUBJECT: Mail 2 problems under investigation

TO: Sandip M. Sharma (CN=Sandip M. Sharma/[REDACTED])
READ: UNKNOWN

TO: James A. Smith Sr. (CN=James A. Smith Sr./[REDACTED])
READ: UNKNOWN

TO: Barry M. Shay (CN=Barry M. Shay/[REDACTED])
READ: UNKNOWN

TO: Shawna L. Morris (CN=Shawna L. Morris/[REDACTED])
READ: UNKNOWN

TO: Todd B. Dawson (CN=Todd B. Dawson/[REDACTED])
READ: UNKNOWN

TO: Roy E. Chesebrough (CN=Roy E. Chesebrough/[REDACTED])
READ: UNKNOWN

TO: Dorothy E. Schott (CN=Dorothy E. Schott/[REDACTED])
READ: UNKNOWN

TO: William H. VanHorn (CN=William H. VanHorn/[REDACTED])
READ: UNKNOWN

TO: Conrad J. Ribeiro (CN=Conrad J. Ribeiro/[REDACTED])
READ: UNKNOWN

TO: Bryan A. Reese III (CN=Bryan A. Reese III/[REDACTED])
READ: UNKNOWN

TO: Sheryl L. Hall (CN=Sheryl L. Hall/[REDACTED])
READ: UNKNOWN

TO: Joseph A. Vasta (CN=Joseph A. Vasta/[REDACTED])
READ: UNKNOWN

TO: James B. Wright (CN=James B. Wright/[REDACTED])
READ: UNKNOWN

TO: Robert E. Whiteman (CN=Robert E. Whiteman/[REDACTED])
READ: UNKNOWN

TO: EOPDC Operations (CN=EOPDC Operations/[REDACTED])
READ: UNKNOWN

E 4010

TO: Sharon L. Mitchell (CN=Sharon L. Mitchell/[REDACTED])
READ: UNKNOWN

TO: Mark F. Lindsay (CN=Mark F. Lindsay/[REDACTED])
READ: UNKNOWN

TO: Karl H. Heissner (CN=Karl H. Heissner/[REDACTED])



READ:UNKNOWN

TO:Patrick L. Drenning (CN=Patrick L. Drenning/[REDACTED]
READ:UNKNOWN

TO:Dorothy Crumling (CN=Dorothy Crumling/[REDACTED]
READ:UNKNOWN

TO:Raul R. Cavazos (CN=Raul R. Cavazos/[REDACTED]
READ:UNKNOWN

TO:Mark H. Bartholomew (CN=Mark H. Bartholomew/[REDACTED]
READ:UNKNOWN

TEXT:

Resource: Mail 2 e-mail users

People affected: Mail 2 users

Cause: Being investigated by Network group

Paged Raines and Holt

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Daniel A. Barry [REDACTED] (Daniel A. Barry [REDACTED])

CREATION DATE/TIME: 24-FEB-1999 07:22:58.00

SUBJECT: Re: Draft Hearing Preparation Paper

CC: Charles L. Sigman [REDACTED] (Charles L. Sigman [REDACTED])

READ: UNKNOWN

TEXT:

Message Creation Date was at 24-FEB-1999 07:18:00

Adam;

I made 2 corrections to 2 of your bullet items. The corrections are in blue below.
Also, No work has been done on the Mail 2 reconstruction as is stated in your bullet in red below. I would suggest you talk with Karl Heisner for a status.

Mail 2 Reconstruction--Due to a technical anomaly (user identifications hand keyed into the E-mail system as all capitals), some White House and OPD e-mail was not captured in ARMS. Reconstruction has begun through periodic backup tapes. The estimated cost for this project is \$602,000.

All-in-One E-Mail Reconstruction--Pursuant to the Armstrong litigation. 75% complete. Last 25% to be completed by the end of fiscal 1999. Cost so far is \$4.5 million. Estimated further cost for completion is \$650,000.

E 3824



RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Joseph G. Kouba (CN=Joseph G. Kouba/[REDACTED])

CREATION DATE/TIME: 18-MAR-1999 13:57:55.00

SUBJECT: FYI: Re: Armstrong Talking Points for 3/19

TO: Nellie W. Doering (CN=Nellie W. Doering/[REDACTED] [OA])
READ: UNKNOWN

TO: Dorothy E. Cleal (CN=Dorothy E. Cleal/[REDACTED] [OA])
READ: UNKNOWN

TO: Karl H. Heissner (CN=Karl H. Heissner/[REDACTED] [OA])
READ: UNKNOWN

TO: Daniel A. Barry (CN=Daniel A. Barry/[REDACTED] [OA])
READ: UNKNOWN

TO: Christine L. Vanfossen (CN=Christina L. Vanfossen/[REDACTED] [OA])
READ: UNKNOWN

TEXT:

I am not sure if Kate sent this to you. Looks like MAIL 2 reconstruction is back on hold until some additional confirmation is received.

Thanks.

----- Forwarded by Joseph G. Kouba/OA/EOP on 03/18/99
01:55 PM -----

Catherine S. Anderson
03/18/99 01:46:19 PM
Record Type: Record

To: Joseph G. Kouba [REDACTED]
cc:
bcc:
Subject: Re: Armstrong Talking Points for 3/19

Joe: See changes below. As you will note, I deleted the last bullet until I confirm with Mike.
Kate

E 3941

Joseph G. Kouba
03/18/99 01:12:31 PM
Record Type: Record

To: Catherine S. Anderson [REDACTED]
cc: See the distribution list at the bottom of this message
Subject: Armstrong Talking Points for 3/19

This is to follow up on our discussion this morning regarding the



outstanding Armstrong Issues. The following is a list of updated information you wanted included in the talking points that will used in the monthly analysis meeting with Virginia

We are awaiting word from OMB on the status of the \$500K that might be transferred from NARA to the Office of Administration for the ARMS/NARA tape conversion. Mike Lyle is working with OMB to resolve the transfer issue.

No determination on the use of Armstrong funds for the ARMS/NARA tape conversion will be made until the issue of the \$500K NARA transfer is settled.

IST has a drafted a project plan for the ARMS/NARA tape conversion, which will be submitted to NARA for review and comment.

Thanks for all your assistance.

Message Copied

To:

Michael J. Lyle/

Daniel A. Barry/

Nellie W. Doering/

Karl H. Heissner/

Christina L. Vanfossen/

Sorothy E. Ches/

 Joseph G. Kouba 03/18/99 01:58:07 PM

Record Type: Record

To: See the distribution list at the bottom of this message


cc:

Subject: FYI:Re: Armstrong Talking Points for 3/19

I am not sure if Kate sent this to you. Looks like MAIL 2 reconstruction is back on hold until some additional confirmation is received.

Thanks.

----- Forwarded by Joseph G. Kouba/ on 03/18/99 01:55 PM -----

 Catherine S. Anderson
03/18/99 01:46:19 PM

Record Type: Record

To: Joseph G. Kouba/

cc:

bcc:

Subject: Re: Armstrong Talking Points for 3/19

Joe: See changes below. As you will note, I deleted the last bullet until I confirm with Mike.

Kate

Joseph G. Kouba

 Joseph G. Kouba 03/18/99 01:12:31 PM

Record Type: Record

To: Catherine S. Anderson/

cc: See the distribution list at the bottom of this message

Subject: Armstrong Talking Points for 3/19

This is to follow up on our discussion this morning regarding the outstanding Armstrong Issues. The following is a list of updated information you wanted included in the talking points that will used in the monthly analysis meeting with Virginia

- We are awaiting word from OMB on the status of the \$500K that might be transferred from NARA to the Office of Administration for the ARMS/NARA tape conversion. Mike Lyle is working with OMB to

1000

resolve the transfer issue.

- No determination on the use of Armstrong funds for the ARMS/NARA tape conversion will be made until the issue of the \$500K NARA transfer is settled.
- IST has drafted a project plan for the ARMS/NARA tape conversion, which will be submitted to NARA for review and comment.

Thanks for all your assistance.

Message Copied To:

Michael J. Lyle/
Daniel A. Barry/
Nellie W. Doering/
Karl H. Heissner/
Christina L. Vanfossen/
Dorothy E. Cleal/

Message Sent To:

Christina L. Vanfossen/
Dorothy E. Cleal/
Daniel A. Barry/
Nellie W. Doering/
Karl H. Heissner/

E 1888

1001

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Dorothy E. Cleal (CN=Dorothy E. Cleal/)

CREATION DATE/TIME: 22-MAR-1999 07:57:40.00

SUBJECT: FYI:Re: Armstrong Talking Points for 3/19

TO: Christina L. Vanfossen (CN=Christina L. Vanfossen/)
READ: UNKNOWN

TEXT:
Do we need to confer on this? Should we push Mike to get resolution?
Dottie
----- Forwarded by Dorothy E. Cleal/ on 03/22/99
07:57 AM -----

Joseph G. Kouba
03/18/99 01:58:07 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: FYI:Re: Armstrong Talking Points for 3/19

~~I am not sure if Kate sent this~~ to you. Looks like MAIL 2 reconstruction
is back on hold until some additional confirmation is received.

Thanks.
----- Forwarded by Joseph G. Kouba/ on 03/18/99
01:55 PM -----

Catherine S. Anderson
03/18/99 01:46:19 PM
Record Type: Record

To: Joseph G. Kouba/
cc:
bcc:
Subject: Re: Armstrong Talking Points for 3/19

Joe: See changes below. As you will note, I deleted the last bullet
until I confirm with Mike.
Kate

Joseph G. Kouba
03/18/99 01:12:31 PM
Record Type: Record

To: Catherine S. Anderson/
cc: See the distribution list at the bottom of this message
Subject: Armstrong Talking Points for 3/19

E 3863



1002

This is to follow up on our discussion this morning regarding the outstanding Armstrong issues. The following is a list of updated information you wanted included in the talking points that will be used in the monthly analysis meeting with Virginia.

We are awaiting word from OMB on the status of the \$500K that might be transferred from NARA to the Office of Administration for the ARMS/NARA tape conversion. Mike Lyle is working with OMB to resolve the transfer issue.

No determination on the use of Armstrong funds for the ARMS/NARA tape conversion will be made until the issue of the \$500K NARA transfer is settled.

IST has drafted a project plan for the ARMS/NARA tape conversion, which will be submitted to NARA for review and comment.

Thanks for all your assistance.

Message Copied

To:

Michael J. Lyle/

Daniel A. Barry/

Nellie W. Doering/

Karl H. Heissner/

Christina L. Vanfossan/

Dorothy E. Cleal/

Message Sent

To:

Christina L. Vanfossan/

Dorothy E. Cleal/

Daniel A. Barry/

Nellie W. Doering/

Karl H. Heissner/

E 3864

1003

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Christa Moyle (CN=Christa Moyle/)

CREATION DATE/TIME: 24-FEB-1999 13:04:08.00

SUBJECT: Re: Draft Hearing Preparation Paper

TO: Adam F. Greenstone (CN=Adam F. Greenstone/)
READ: UNKNOWN

TEXT:
----- Forwarded by Christa Moyle/ on 02/24/99 01:04
PM -----

DANIEL A.
BARRY
02/24/99 07:18:19 AM

Record Type: Record

To: Adam F. Greenstone
cc: See the distribution list at the bottom of this message
Subject: Re: Draft Hearing Preparation Paper

Adam;

I made 2 corrections to 2 of your bullet items. The corrections are in blue below.
Also, No work has been done on the Mail 2 reconstruction as is stated in your bullet in red below. I would suggest you talk with Karl Heisner for a status.

Mail 2 Reconstruction--Due to a technical anomaly (user identifications hand keyed into the E-mail system as all capitals), some White House and OPD e-mail was not captured in ARMS. Reconstruction has begun through periodic backup tapes. The estimated cost for this project is \$602,000.

All-in-One E-Mail Reconstruction--Pursuant to the Armstrong litigation. 75% complete. Last 25% to be completed by the end of fiscal 1999. Cost so far is \$4.5 million. Estimated further cost for completion is \$650,000.

Message Copied

To:
James B. Wright
Timothy L. Fuller
Terrence J. Misich
sigman_c @ al @ cd @ lngtvy
Dorothy E. Cleal
Christa Moyle

E 3859



1004

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Joseph G. Kouba (CN=Joseph G. Kouba/[REDACTED])

CREATION DATE/TIME: 18-MAR-1999 13:12:15.00

SUBJECT: Armstrong Talking Points for 3/19

TO: Catherine S. Anderson (CN=Catherine S. Anderson/[REDACTED])
READ: UNKNOWN

CC: Dorothy E. Cleal (CN=Dorothy E. Cleal/[REDACTED])
READ: UNKNOWN

CC: Karl H. Heissner (CN=Karl H. Heissner/[REDACTED])
READ: UNKNOWN

CC: Daniel A. Barry (CN=Daniel A. Barry/[REDACTED])
READ: UNKNOWN

CC: Christina L. Vanfossan (CN=Christina L. Vanfossan/[REDACTED])
READ: UNKNOWN

CC: Nellie W. Doering (CN=Nellie W. Doering/[REDACTED])
READ: UNKNOWN

CC: Michael J. Lyle (CN=Michael J. Lyle/[REDACTED])
READ: UNKNOWN

TEXT:

This is to follow up on our discussion this morning regarding the outstanding Armstrong Issues. The following is a list of updated information you wanted included in the talking points that will be used in the monthly analysis meeting with Virginia

We are awaiting word from OMB on the status of the \$500K that might be transferred from NARA to the Office of Administration for the ARMS/NARA tape conversion. Mike Lyle is working with OMB to resolve the transfer issue.

No determination on the use of Armstrong funds for the ARMS/NARA tape conversion will be made until the issue of the \$500K NARA transfer is settled.

IST has a draft project plan for the ARMS/NARA tape conversion and will proceed once the General Counsel has secured funding.

The General Counsel has determined that Armstrong funding can be used for the MAIL 2 reconstruction project. IST is implementing the first steps of this project.

Thanks for all your assistance.

E 3845



1005

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Joseph G. Kouba (CN=Joseph G. Kouba/)

CREATION DATE/TIME: 20-APR-1999 15:10:36.00

SUBJECT: Armstrong Talking Points, need feedback by noon tomorrow, Wed, 4/21

TO: Catherine S. Anderson (CN=Catherine S. Anderson/)

READ: UNKNOWN

TEXT:

Sorry, forgot to include you.

----- Forwarded by Joseph G. Kouba on 04/20/99

03:09 PM -----

Joseph G. Kouba

04/20/99 02:56:37 PM

Record Type: Record

To: Dorothy E. Cleal/OA/EOP, Karl H. Heissner, Daniel A.

Barry, Nellie W. Doering

cc: Christina L. Vanfossen

Subject: Armstrong Talking Points, need feedback by noon tomorrow,
Wed, 4/21

The following are the proposed talking points for my Thursday analysis meeting with Virginia Apuzzo. The briefing materials must be to Virginia's office by COB, 4/21.

Please review, comment, add or delete information, and return to me. This draft is based on my conversations with Karl Heissner and Tony Barry. I hope it is accurate.

7. Armstrong Account

OA Available Balance	\$981
NSC Available Balance	1,300
USTR Available Balance	

11

TOTAL

\$2,292

ARMS/NARA Tape Conversion:

OA is awaiting word from OMB on the status of the \$500K that might be transferred from NARA to the Office of Administration for the ARMS/NARA tape conversion. Mike Lyle is working with OMB to accomplish the transfer.

No determination on the use of Armstrong funds for the ARMS/NARA tape conversion will be made until the issue of the \$500K NARA transfer is settled.

IST has a draft project plan for the ARMS/NARA tape conversion and will proceed once the General Counsel has secured funding. If no determination is made before the end of the Clinton Administration, OA will be unable to transfer the Clinton tapes to NARA.

E 3820



1006

MAIL2 Reconstruction:

Phase 1: IST is working to ensure that all e-mail is properly records managed. Current problem only impacts incoming e-mail to individuals whose name begins with D.

Phase 2: Need to make legal determination that reconstruction is required by the court case and that this is a legitimate use of Armstrong funds.

Current status: IST is working on phase 1. No current action on phase 2.

E 3821

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Joseph G. Kouba ([REDACTED])

CREATION DATE/TIME: 20-APR-1999 14:57:00.00

SUBJECT: Armstrong Talking Points, need feedback by noon tomorrow, Wed, 4/21

TO: Mellie W. Doering ([REDACTED])
 READ: UNKNOWN

TO: Karl H. Heissner ([REDACTED])
 READ: UNKNOWN

TO: Daniel A. Barry ([REDACTED])
 READ: UNKNOWN

TO: Dorothy E. Cleal ([REDACTED])
 READ: UNKNOWN

CC: Christina L. Venfossen ([REDACTED])
 READ: UNKNOWN

UNKNOWN
 The following are the proposed talking points for my Thursday analysis meeting with Virginia Apuzzo. The briefing materials must be to Virginia's office by COB, 4/21.

Please review/COMMENT/ add or delete information, and return to me. This draft is based on my conversations with Karls Heissner and Tony Barry. I hope it is accurate.

7. Armstrong Account

OA Available Balance	\$981
NSC Available Balance	1,300
USTR Available Balance	

TOTAL

11

\$2,292

ARMS/NARA Tape Conversion:

OA is awaiting word from OMB on the status of the \$500K that might be transferred from NARA to the Office of Administration for the ARMS/NARA tape conversion. Mike Lyle is working with OMB to accomplish the transfer.

No determination on the use of Armstrong funds for the ARMS/NARA tape conversion will be made until the issue of the \$500K NARA transfer is settled.

IST has a draft project plan for the ARMS/NARA tape conversion and will proceed once the General Counsel has secured funding. If no determination is made before the end of the Clinton Administration, OA will be unable to transfer the Clinton tapes to NARA.

MAIL2 Reconstruction:

Phase 1: IST is working to ensure that all e-mail is properly records managed. Current problem only impacts incoming e-mail to individuals whose name begins with D.

E 3952

1008

Phase 2: —Need to make legal determination that reconstruction is required by the court case and that this is a legitimate use of Armstrong funds.

Current status: IST is working on phase 1. No current action on phase 2.

E 3953

1009

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Dorothy E. Cleal (CN=Dorothy E. Cleal/)

CREATION DATE/TIME: 20-APR-1999 15:02:02.00

SUBJECT: Armstrong Talking Points, need feedback by noon tomorrow, Wed, 4/21

TO: Michael J. Lyle (CN=Michael J. Lyle/)
READ: UNKNOWN

TEXT:

The FMD folks will be briefing Virginia on a number of projects. The attach is a list of things that fall under IS&T that they are asking us to confirm for accuracy. There are some items that currently fall under the OGC purview. Just wanted you to be aware of these in the event Virginia asks you about the status of these issues. Dottie
----- Forwarded by Dorothy E. Cleal/ on 04/20/99
02:59 PM -----

Joseph G. Kouba
04/20/99 02:56:37 PM
Record Type: Record

To: Dorothy E. Cleal/ , Karl H. Heissner/ , Daniel A. Barry/ , Nellie W. Boering/
cc: Christina L. Vanfossen/
Subject: Armstrong Talking Points, need feedback by noon tomorrow, Wed, 4/21

The following are the proposed talking points for my Thursday analysis meeting with Virginia Apuzzo. The briefing materials must be to Virginia's office by COB, 4/21.

Please review, comment, add or delete information, and return to me. This draft is based on my conversations with Karl Heissner and Tony Barry. I hope it is accurate.

7. Armstrong Account

GA Available Balance	\$981
NSC Available Balance	1,300
USTR Available Balance	

11

TOTAL

\$2,292

E 3846

ARMS/NARA Tape Conversion:

DA is awaiting word from OMB on the status of the \$500K that might be transferred from NARA to the Office of Administration for the ARMS/NARA tape conversion. Mike Lyle is working with OMB to accomplish the transfer.

No determination on the use of Armstrong funds for the ARMS/NARA tape conversion will be made until the issue of the \$500K NARA transfer is settled.



IST has a draft project plan for the ARMS/NARA tape conversion and will proceed once the General Counsel has secured funding. If no determination is made before the end of the Clinton Administration, OA will be unable to transfer the Clinton tapes to NARA.

MAIL2 Reconstruction:

Phase 1: IST is working to ensure that all e-mail is properly records managed. Current problem only impacts incoming e-mail to individuals whose name begins with D.

Phase 2: Need to make legal determination that reconstruction is required by the court case and that this is a legitimate use of Armstrong funds.

Current status: IST is working on phase 1. No current action on phase 2.

1011

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Karl H. Heissner (CN=Karl H. Heissner/)

CREATION DATE/TIME: 20-APR-1999 15:51:01.00

SUBJECT: Re: Armstrong Talking Points, need feedback by noon tomorrow, Wed, 4/21

TO: Joseph G. Kouba (CN=Joseph G. Kouba/)
READ: UNKNOWN

TEXT:

Suggested changes (in blue):

Phase 1: IST is working to ensure that all e-mail is properly records managed. Current problem only impacts incoming e-mail to individuals whose first name begins with D.

Phase 2: OA Counsel needs to make the legal determination that reconstruction of the relatively small percentage of incoming e-mail not properly records managed during the past 2-3 years is required by the court case and that funding this work is a legitimate use of Armstrong funds.

Joseph G. Kouba
04/20/99 02:56:37 PM
Record Type: Record

To: Dorothy E. Cleal, Karl H. Heissner, Daniel A. Barry, Nellie W. Doering
cc: Christina L. Vanfossen
Subject: Armstrong Talking Points, need feedback by noon tomorrow, Wed, 4/21

The following are the proposed talking points for my Thursday analysis meeting with Virginia Apuzzo. The briefing materials must be to Virginia's office by COB, 4/21.

Please review, comment, add or delete information, and return to me. This draft is based on my conversations with Karl Heissner and Tony Barry. I hope it is accurate.

7. Armstrong Account

OA Available Balance	\$981
NSC Available Balance	1,500
USTR Available Balance	

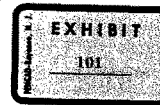
TOTAL 11

\$2,292

E 3954

ARMS/NARA Tape Conversion:

OA is awaiting word from OMB on the status of the \$500K that might be



transferred from NARA to the Office of Administration for the ARMS/NARA tape conversion. Mike Lyle is working with OMB to accomplish the transfer.

No determination on the use of Armstrong funds for the ARMS/NARA tape conversion will be made until the issue of the \$500K NARA transfer is settled.

IST has a draft project plan for the ARMS/NARA tape conversion and will proceed once the General Counsel has secured funding. If no determination is made before the end of the Clinton Administration, OA will be unable to transfer the Clinton tapes to NARA.

MAIL2 Reconstruction:

Phase 1: IST is working to ensure that all e-mail is properly records managed. Current problem only impacts incoming e-mail to individuals whose name begins with D.

Phase 2: Need to make legal determination that reconstruction is required by the court case and that this is a legitimate use of Armstrong funds.

Current status: IST is working on phase 1. No current action on phase 2.

1013

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Karl H. Heissner (CN=Karl H. Heissner/)

CREATION DATE/TIME: 21-APR-1999 11:06:11.00

SUBJECT: Re: Armstrong Talking Points, need feedback by noon tomorrow, Wed, 4/21

TO: Dorothy E. Cleal (CN=Dorothy E. Cleal/)
READ: UNKNOWN

CC: Charles L. Sigman (CN=Charles L. Sigman/)
READ: UNKNOWN

TEXT:

My recommended changes, sent to Joe Kuba yesterday afternoon and highlighted in blue, apparently weren't incorporated in the document.

If it's an oversight, it ought to be corrected.

If it's planned, it's OK with me -- no big deal --

Karl

----- Forwarded by Karl H. Heissner/ on 04/21/99
10:58 AM -----

Karl H. Heissner
04/20/99 03:50:58 PM
Record Type: Record

To: Joseph G. Kouba/
cc:
bcc: Records Management
Subject: Re: Armstrong Talking Points, need feedback by noon
tomorrow, Wed, 4/21

Suggested changes (in blue):

Phase 1: IST is working to ensure that all e-mail is properly records managed. Current problem only impacts incoming e-mail to individuals whose first name begins with D.

Phase 2: OA Counsel needs to make the legal determination that reconstruction of the relatively small percentage of incoming e-mail not properly records managed during the past 2-3 years is required by the court case and that funding this work is a legitimate use of Armstrong funds.

E 3857

Joseph G. Kouba



04/20/99 02:56:37 PM
Record Type: Record

To: Dorothy E. Cleal [REDACTED], Karl H. Heissner [REDACTED], Daniel A. Barry [REDACTED], Nellie W. Doering [REDACTED]
cc: Christina L. Vanfossen [REDACTED]
Subject: Armstrong Talking Points, need feedback by noon tomorrow, Wed, 4/21

The following are the proposed talking points for my Thursday analysis meeting with Virginia Apuzzo. The briefing materials must be to Virginia's office by COB, 4/21.

Please review, comment, add or delete information, and return to me. This draft is based on my conversations with Karl Heissner and Tony Barry. I hope it is accurate.

7. Armstrong Account

GA Available Balance	\$981
NSC Available Balance	1,300
USTR Available Balance	

11

TOTAL

\$2,292

ARMS/NARA Tape Conversion:

GA is awaiting word from OMB on the status of the \$500K that might be transferred from NARA to the Office of Administration for the ARMS/NARA tape conversion. Mike Lyle is working with OMB to accomplish the transfer.

No determination on the use of Armstrong funds for the ARMS/NARA tape conversion will be made until the issue of the \$500K NARA transfer is settled.

IST has a draft project plan for the ARMS/NARA tape conversion and will proceed once the General Counsel has secured funding. If no determination is made before the end of the Clinton Administration, GA will be unable to transfer the Clinton tapes to NARA.

MAIL2 Reconstruction:

Phase 1: IST is working to ensure that all e-mail is properly records managed. Current problem only impacts incoming e-mail to individuals whose name begins with D.

Phase 2: Need to make legal determination that reconstruction is required by the court case and that this is a legitimate use of Armstrong funds.

Current status: IST is working on phase 1. No current action on phase 2.

E 3858

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Daniel A. Barry (CN=Daniel A. Barry/)

CREATION DATE/TIME: 20-NOV-1998 07:02:09.00

SUBJECT: Weekly for 11/20/98

TO: Christa Moyle (CN=Christa Moyle/)
 READ: UNKNOWN

TO: James B. Wright (CN=James B. Wright/)
 READ: UNKNOWN

TEXT:

E-mail reconstruction activity

I attended the weekly E-mail reconstruction status meeting this week. Issues discussed related to the schedule for completion of the weeklies. I also raised issues regarding operations staff failing to follow procedures on this project. This is not the first time this has been brought to the attention of NG. I have documented all occurrences in E-mail to the contractor.

ARMS activity

I moved several months worth of ARMS data into the ARMS data warehouse to make room for current records. The ARMS data warehouse is currently at 100% of capacity and I am currently making plans to install 2 of the 6 drives that we recently purchased. This measure will allow us to proceed with storing ARMS data until the large disk purchase is made. I continued to work with procurement on purchasing the additional disk storage space for the ARMS data warehouse. Final responses from potential vendors are due in by 11/23/98. Before we issue a purchase order we will probably verify the list of items to be purchased with DEC personnel to insure compatibility with the existing hardware. As a result of a mandatory staff meeting, I have been tasked with project management for ARMS and the VAX platform Y2K associated projects. I have coordinated with NG VAX management staff to insure that we are following the Y2K guidelines for moving the projects forward and I have begun working on a statement of work for the ARMS system to give to contractor staff coming in to perform the necessary renovations.

Additional activities

I delivered the PROFS output tapes to NARA this week. I prepared a data turnover document prior to the delivery and I incorporated comments for OA Counsel's office (Kate Anderson) as well as DOJ Counsel (Jason Baron) and IS&T management (Jim Wright). The memo gives NARA until Dec 4 (3 weeks) to comment on the tapes and accept them. This will mark the end of the project. At this point we will move the IBM 4341 (PROFS Platform) out of the Data center.

I called a meeting with Karl Heissner, NG and Sheryl Hall to discuss the MAIL 2 issue and to agree on whose responsibility the project is. At the meeting it was agreed that project management responsibility lies with Karl Heissner (SID group) and that I would be involved in the project from a technical perspective to insure that ALL the data gets to ARMS in an acceptable format.

I am continuing to work with NG staff to get the issue of the MAIL2

E 4007



1016

backups resolved. This problem has been brewing for some time and it has held up the phase 1 fix (Stop the bleeding) on the mail 2 server for 2 months now. Project management responsibility for phase 2 and 3 of the MAIL 2 problem has been given to Karl Heissner as an outcome of a meeting held on 11/16/98 between NG, Karl and myself. Joa Vasta is to provide minutes of this meeting to all involved.

Contract Issues:

I will attend the weekly COTR/CO/NG meeting this week. (Moved from Wednesday to Friday by CO)

Data center operations:

I Attended all of the morning operations meetings this week and chaired 2 of them in the absence of Jim Wright.

Planned Activities for next week:

I have vacation planned for Friday of next week and Thursday is the Thanksgiving holiday.

E 4008

1017

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Christa Moyle (CN=Christa Moyle/[REDACTED])

CREATION DATE/TIME:20-NOV-1998 16:20:30.00

SUBJECT:: Weekly for 11/20/98

TO:Dorothy E. Schott (CN=Dorothy E. Schott/[REDACTED])
READ:UNKNOWN

TEXT:

----- Forwarded by Christa Moyle/[REDACTED] on 11/20/98 04:20 PM -----

DANIEL A.
BARRY
11/20/98 07:01:01 AM

Record Type: Record

To: James B. Wright/[REDACTED] Christa Moyle/[REDACTED]
cc:
Subject: Weekly for 11/20/98

E-mail reconstruction activity

I attended the weekly E-mail reconstruction status meeting this week. Issues discussed related to the schedule for completion of the weeklies. I also raised issues regarding operations staff failing to follow procedures on this project. This is not the first time this has been brought to the attention of NG. I have documented all occurrences in E-mail to the contractor.

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I moved several months worth of ARMS data into the ARMS data warehouse to make room for current records. The ARMS data warehouse is currently at 100% of capacity and I am currently making plans to install 2 of the 6 drives that we recently purchased. This measure will allow us to proceed with storing ARMS data until the large disk purchase is made. I continued to work with procurement on purchasing the additional disk storage space for the ARMS data warehouse. Final responses from potential vendors are due in by 11/23/98. Before we issue a purchase order we will probably verify the list of items to be purchased with DEC personnel to insure compatibility with the existing hardware. As a result of a mandatory staff meeting, I have been tasked with project management for ARMS and the VAX platform Y2K associated projects. I have coordinated with NG VAX management staff to insure that we are following the Y2K guidelines for moving the projects forward and I have begun working on a statement of work for the ARMS system to give to contractor staff coming in to perform the necessary renovations.

Additional activities

I delivered the PROFS output tapes to NARA this week. I prepared a data turnover document prior to the delivery and I incorporated comments for OA Counsel's office (Kate Anderson) as well as DOJ Counsel (Jason Baron) and

E 4001



IS&T management (Jim Wright). The memo gives NARA until Dec 4 (3 weeks) to comment on the tapes and accept them. This will mark the end of the project. At this point we will move the IDN 4341 (PROFS Platform) out of the Data center.

I called a meeting with Karl Heissner, NG and Sheryl Hall to discuss the MAIL 2 issue and to agree on whose responsibility the project is. At the meeting it was agreed that project management responsibility lies with Karl Heissner (SID group) and that I would be involved in the project from a technical perspective to insure that ALL the data gets to ARMS in an acceptable format.

I am continuing to work with NG staff to get the issue of the MAIL2 backups resolved. This problem has been brewing for some time and it has held up the phase 1 fix (Stop the bleeding) on the mail 2 server for 2 months now. Project management responsibility for phase 2 and 3 of the MAIL 2 problem has been given to Karl Heissner as an outcome of a meeting held on 11/16/98 between NG, Karl and myself. Joe Vasta is to provide minutes of this meeting to all involved.

Contract Issues:

I will attend the weekly COTR/CO/NG meeting this week. (Moved from Wednesday to Friday by CO)

Data center operations:

I Attended all of the morning operations meetings this week and chaired 2 of them in the absence of Jim Wright.

Planned Activities for next week:

I have vacation planned for Friday of next week and Thursday is the Thanksgiving holiday.

1019

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Daniel A. Berry (CN=Daniel A. Berry/)

CREATION DATE/TIME: 1-FEB-1999 13:21:16.00

SUBJECT:: Re: Appropriations Hearing Issue Papers

TO: Dorothy E. Cleal (CN=Dorothy E. Cleal/)

READ: UNKNOWN

CC: James B. Wright (CN=James B. Wright/)

READ: UNKNOWN

TEXT:

Dottie;

I will not be able to attend the 4pm meeting this afternoon. I normally leave at 4pm and Today I need to leave at 4pm to pick up my kids from school. (My wife works Monday's and Fridays)!!

Since there is only 1 item on the list that has my name associated with it, "Mail 2 Reconstruction" , And that is really in Karl Heissner's hands, He should address this issue. I have spoken to him about it.

Later... Tony

E 3924



1020

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Karl H. Heissner (CN=Karl H. Heissner)

CREATION DATE/TIME: 3-MAR-1999 13:26:34.00

SUBJECT:: Re: Project X

TO:William H. VanHorn (CN=William H. VanHorn)
READ:UNKNOWN

TEXT:

First of all, there is no "Project X."
I believe you are referring to the "Mail2 Records Reconstruction Project."

So long as you can restore the data contained on the server being removed,
there should be no problem.

William H. VanHorn
03/03/99 11:55:38 AM
Record Type: Record

To: Karl H. Heissner
Subject: Re: Project X

Karl,

At some point, certain mail files on the MAIL2 server were not being records managed, this problem has been corrected, but there may be a reconstruction project of the MAIL2 system at some point that would go back and records manage the mail files that were missed. If this explanation does not clarify, please speak with John Spriggs or Tony Barry as they know the particulars.

Regards,
Bill

E 3936



1021

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Christa Moyle (CN=Christa Moyle/[REDACTED])

CREATION DATE/TIME: 8-JAN-1999 09:51:55.00

SUBJECT:: Re: Meeting re Project X

TO:Dorothy E. Schott (CN=Dorothy E. Schott/[REDACTED])

READ:UNKNOWN

TEXT:

What is the real name?

Dorothy E. Schott

01/08/99 09:49:21 AM

Record Type: Record

To: Christa Moyle/[REDACTED]

cc: Daniel A. Barry/[REDACTED], James B. Wright/[REDACTED], Karl H. Heissner/[REDACTED]

Subject: Re: Meeting re Project X

We need to call this project by its real name.....so no more project x
please.

E 3842



1022

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Karl H. Heissner (CN=Karl H. Heissner/[REDACTED])

CREATION DATE/TIME: 8-JAN-1999 12:40:26.00

SUBJECT:: Re: Meeting re Project X

TO:Dorothy E. Schott (CN=Dorothy E. Schott/[REDACTED])

READ:UNKNOWN

TEXT:

Thank you!

The proper nomenclature is: Notes/ARMS Interface Failure

Dorothy E. Schott

01/08/99 09:49:21 AM

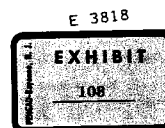
Record Type: Record

To: Christa Moyle/[REDACTED]

cc: Daniel A. Barry/[REDACTED] James B. Wright/[REDACTED] Karl H. Heissner/[REDACTED]

Subject: Re: Meeting re Project X

We need to call this project by its real name.....so no more project x please.



1023

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Kathleen K. Gallant (CN=Kathleen K. Gallant/ [REDACTED] 1)

CREATION DATE/TIME: 25-SEP-1998 15:19:39.00

SUBJECT: Re: Concerned

TO: Daniel A. Barry (CN=Daniel A. Barry/ [REDACTED])
READ: UNKNOWN

CC: James B. Wright (CN=James B. Wright/ [REDACTED])
READ: UNKNOWN

TEXT:

I had a meeting with Joe Vasta, Logicon PM, John Spriggs, and Jim Webster yesterday morning regarding this very subject. I just had not had a chance to share with all the outcome of the meeting.

The Notes Anomaly team met and have come up with a strategy. It's a two phase approach basically.

They first will back-up Mail 2 using a DLT tape drive that they can verify as it writes. Then they will execute the Notes agent changes to change all the ids looking for Mail2 to MAIL2, then they will delete the unrecorded messages. This will get the un-Armed messages off of Mail2 and onto the recovery server. From that point forward - line in the sand - the mail will all be Arms managed properly.

As the second phase - Reconstruction of the unmanaged files from the Mail 2 server as well as any tape reconstruction - NG has to prepare an IWO for that work along with the other Notes/Arms work that needs to be done.

Contracts is aware of the whole mess, and supports the creation of the IWO to clarify what is to be done and when.

Please - no jumping out the window - - it's not necessary!!!

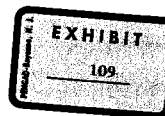
Kathy

E 4062

DANIEL A.
BARRY
09/25/98 08:59:14 AM

Record Type: Record

To: Kathleen K. Gallant/ [REDACTED] James B. Wright/ [REDACTED]
cc:
Subject: Concerned
Jim, Kathy;



It has been about 2 week since I sent my last "concerned memo" regarding the mail2 problem and I am still not seeing any movement on fixing the problem. I need to know, for my own sanity, exactly what my role in this project should be. My take all along has been that I am the recipient of the data so that my involvement is to make sure that whatever data is sent to me is in compliance with the Records management guidelines and ARMS. I do not and have not considered myself the driver of the project, However I am not sure who the driver of the project is since anyone involved in that capacity has left.

Can you please clarify this for me so that we are all on the same wavelength.

Thanks.

Later... Tony
Later... Tony

1025

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: James B. Wright (CN=James B. Wright/)

CREATION DATE/TIME: 25-SEP-1998 16:36:51.00

SUBJECT: Re: Concerned

TO: Daniel A. Barry (CN=Daniel A. Barry/)
READ: UNKNOWN

TEXT:

My only knowledge at this time is that NG will not proceed without direct specifications from the government. I don't what Dale plans to do about this. But I suppose that IS&T needs to start the ball by provide NG with direction.

DANIEL A.
BARRY
09/25/98 08:59:14 AM

Record Type: Record

To: Kathleen K. Gallant, James B. Wright
cc:
Subject: Concerned

Jim, Kathy:

It has been about 2 week since I sent my last "concerned memo" regarding the mail2 problem and I am still not seeing any movement on fixing the problem. I need to know, for my own sanity, exactly what my role in this project should be. My take all along has been that I am the recipient of the data so that my involvement is to make sure that whatever data is sent to me is in compliance with the Records management guidelines and ARMS. I do not and have not considered myself the driver of the project. However I am not sure who the driver of the project is since anyone involved in that capacity has left.

Can you please clarify this for me so that we are all on the same wavelength.

Thanks.

Later... Tony
Later... Tony

E 4079



1026

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Michael E. Ritter (CN=Michael E. Ritter/)

CREATION DATE/TIME: 2-DEC-1999 08:19:36.00

SUBJECT: Daily Tasks 12/2

TO: Howard M. Sparks (CN=Howard M. Sparks/)

READ: UNKNOWN

CC: Bryan A. Reese III (CN=Bryan A. Reese III/)

READ: UNKNOWN

CC: Albert F. Leister Jr (CN=Albert F. Leister Jr/)

READ: UNKNOWN

CC: Daniel A. Barry (CN=Daniel A. Barry/)

READ: UNKNOWN

TEXT:

As of 0800 Thursday...

I am able to access the MacAfee Help Desk system..

MHD Tickets: 74 Total

Trouble Tickets: 49

oa-65: 25

WHO--25/4

OA/DVP 12/15

OMB 16/4

OTHER 6/2

These tickets include trouble calls and OA-65's

Tickets are being prioritized as follows:

CSG Determined emergencies, then...

1. System Outages
2. Work Station Outage
3. Degraded Performance (hardware, software etc...)
4. OA-65's (Move/add/change)

Issue:

As of 1630 on 11/30, Backup 1 had still not completed the daily B/U from 11/29. B/U 5 is also running very slowly. We are drawing up new flow diagrams that show the data path to the backup servers and indicate the speed available. Initial indicators are that the Mail 3 server requires a NIC change (all other servers being backed up on BUI are at normal speed, Mail3 is going very slow). Options for Mail2 problems are still under consideration, but the re-installation of service pack 4 seems a likely place to start. Both solutions will require some down time for maintenance.

Subnet 119: Fiber work is required due to incompatible connectors. Locating source for the purchase of compatible connectors. (Bryan, Jackson)

E 3928

Tasks:

Install 100 palm pilots for WHO...IWO has been written and is in review by COTR

Work on Haver build...in progress need to get w/users to complete



requirements (Burger)
 Develop new WHISDM push for Introspec (Burger, Terry)
 Remove excess cable from EOPDC...75% (as time allows)
 Working on BUS with Mail2..done. Still unsuccessfull. Need down time to
 continue. Investigating alternatives. Request group meeting to discuss.
 (Wood)
 Work continues on for snl19 for WHISDM. All servers are converted.
 Waiting on switch configuration. (Dupuis)
 Working with Bryan Reese on WINS/DHCP issues..J. Wood
 WRQ is on. License metering is off. (Terry)
 Rick Burger is working with Network Assoc. and MacAfee folks to fix Remote
 Control problems.
 May be building 12 pc's w/EOP load for ICC<latest word is 4 vice 12>
 (Dupuis)
 IWD for 26 pc's for IRC on 3rd floor awaiting sign off. (Dupuis)

 Feel free to set priorities on things you want us to complete first.
 Your comments are welcome...

 Eric

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Christina L. Vanfossan (CN=Christina L. Vanfossan/)

CREATION DATE/TIME:22-DEC-1998 14:26:13.00

SUBJECT:: FMD Weekly

TO:Carol E. Ehrlich (CN=Carol E. Ehrlich/)
 READ:UNKNOWN

CC:Andris Kalnins (CN=Andris Kalnins/)
 READ:UNKNOWN

CC:Wayne A. Jones (CN=Wayne A. Jones/)
 READ:UNKNOWN

CC:Lynne M. Winslow (CN=Lynne M. Winslow/)
 READ:UNKNOWN

CC:Starling A. Washington (CN=Starling A. Washington/)
 READ:UNKNOWN

BCC:budget (budget [OMB])
 READ:UNKNOWN

TEXT:

FMS Upgrade Project - Representatives from FMD and IST briefed the Director's office on the justification for accepting the KPMG cost proposal. Subsequent to the briefing, the Acting Director agreed to approve the pending requisition RCI9046 for \$1,215,720. Procurement is performing the final review prior to award.

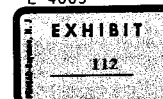
FY 1998 OMB Year-end Actual Outlays - OMB noted that their year end outlays were approximately 8 million less than they expected. Treasury did not reflect the payroll costs for several pay periods as being disbursed from OMB's account. These costs were correctly expended on FMD's books and a payable was recorded in order to reconcile to Treasury's Fund Balance.

The Budget Review Division of OMB felt that since the disbursement of funds was actually made prior to 9/30/98, Treasury should reflect the disbursement in the Fund Balance column of the year end closing statement. This is required to accurately reflect the agency's outlays and eliminate the need to record a payable.

FMD is aggressively working with the Department of Defense (EOP's payroll processing and reporting agency) and Treasury to determine the cause of the problem and to fix it. OMB has asked us to investigate whether Treasury would be willing to restate their Fund Balance with Treasury for payroll costs which were not deducted from our appropriation at year end. The restatement effects cash balances and payable balances only. It does not have an effect on amounts recorded as expended in the accounting system. All year end accounting reports accurately reflect the EOP's payroll expenditures and properly reconcile to Fund Balance with Treasury at 9/30/98.

Analysis of the Armstrong Resolution Account - Preparing an analysis of Armstrong funding that provides OA with the resources to comply with the lawsuit Armstrong vs Executive Office of the President. This review will

E 4005



include current resources available and actual liabilities. More important, it outlines potential projects OA may need to implement. Depending upon the projects implemented by OA, an additional \$6 million may need to be requested for Armstrong (less if funds are shifted from NSC). A preliminary review identified the following projects: ARMS tape conversion (\$350 thousand), Rewrite Monitor Conversion (\$200 thousand), MAIL 2 reconstruction (\$1 million), and ARMS 2 (\$3 to 5 million).

FY 1999 Interagency Agreements (IAGs) - Progress has been made on completing the IAGs that provide reimbursement for OA's basic services. Out of 30 agreements, 19 have been returned to FMD (11 coded to the accounting system and 8 signed by the fund managers but needing various OA signatures). The remaining 11 agreements are moving through the procurement systems of customer agencies.

Business Cards - Currently reviewing a recent CG Decision concerning the use of appropriated funds for business cards. The CG has issued an opinion that expands the authority to use official funds for business cards which in the past has been prohibited.

Integrity Act Report - The final version of the FMD Integrity Act report will be completed today. OA Reports have been received from all DA Divisions except General Services which is expected 12/23. Completed EOP Reports have been received from WHO, ONDCP, OSTP, NSC, and CEA. Remaining reports are scheduled for completion no later than 12/31. Assistance is being provided by FMD to all agencies for the timely completion of all reports. No problems are anticipated.

U.S. Kids - OA's Deputy General Counsel had a discussion with DOJ's General Counsel for Management on 12/22/98 as a follow-up on the status of DOJ agreeing to the proposed MOU to become a participating agency for U.S. Kids. The final wording for priority placement is being discussed. DOJ has indicated that they will sign the MOU, pending resolution of this final wording.

VISA Program - Assistance was provided this week to EOP agencies on the use and the terms of the new VISA travel credit card. FMD encountered and resolved its first major problem. Dr. Lane, agency head for OSTP, was not able to use his card to make a telephone call while in travel status. We verified with U.S. Bank that there are no prohibitions on charging telephone calls to the travel card while in travel status. In the future, he will be able to make telephone calls using his VISA travel card. The information was provided to OSTP. Although the cards have been active since December 1, no other problems have been experienced.

1030

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: James B. Wright (CN=James B. Wright/[REDACTED])

CREATION DATE/TIME: 10-SEP-1998 14:02:27.00

SUBJECT: Re: Concerned

TO: Daniel A. Barry (CN=Daniel A. Barry/[REDACTED])
READ: UNKNOWN

TEXT:
lets talk in the am.

DANIEL A.
BARRY
09/10/98 07:58:36 AM

Record Type: Record

To: Kathleen K. Gallant/[REDACTED], James B. Wright/[REDACTED]
cc:
Subject: Concerned

Kathy, Jim;

I am growing increasingly concerned about the seeming lack of movement on the Mail2 problem. Do you know where the hold up is. We have known about this problem for 4 months now and not a single record has been passed to ARMS...even worse, the root problem has not been fixed.

Let me know what you think.

Later... Tony

E 4009



1031

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Daniel A. Barry (CN=Daniel A. Barry/)

CREATION DATE/TIME: 10-JUL-1998 15:54:32.00

SUBJECT: Weekly for 7/10/98

TO: James B. Wright (CN=James B. Wright/)
READ: UNKNOWN

TEXT:

E-mail reconstruction activity

I attended the regular reconstruction status meeting this week. I received the deliverable of Month 8 (November 1993) from the reconstruction project. I loaded the data into the Data Warehouse and loaded several of the ARMS and NARA tapes. I made random checks on the data and verified that all looks good. I also did a complete check on the tapes for month 8 and a random checking on the tapes for Month 4. I discovered that not all of the delivered tapes had been made write ~~protected and directed that~~ this be done ASAP. I signed off on the deliverable for month 8.

ARMS activity

I coordinated the completion of the 2 WHO searches that I had started prior to going on vacation. Both of these searches involved a 2 phase search and I completed these and delivered the results this week. I put together estimates for 4 additional search requests this week also and began preparation work on getting these searches accomplished. Two of these searches were from CEQ, one from OSTP and one from WHO. We temporarily removed the conversion of WordPerfect attachments to text in the ARMS processing because the KeyPac utility was hanging in an infinite loop on most of the WP 6 documents. We are going to upgrade to the latest version as soon as it can be scheduled and tested. At the present time all non ASCII attachments are being hexified in the record. I received the tape scan listing report for the 173 NARA tapes that NARA requested we sample and read for their tape scan obligations under ARMSTRONG. I compared the listing report against that which NARA requested and found that there was no correlation between the tape listing given to us by NARA and that produced as a result of the tape scan. I coordinated with Bill Burkey to add in a column to the report containing the NARA location number to correct this discrepancy. I then contacted Bruce Ambacher of NARA and left a message with him that we had completed the report and I want to fax it to him (He is out of the office until 7/14). I will fax the report to him as soon as I hear from him.

FAMCO Contract

No activity to report

E 4019

Additional activities

I spent about 10 hours this week reading and marking up the transcript of my declaration in the ALEXANDER case. I faxed the pages that needed changing to Julia Feingold at DOJ and she is to submit the changes for inclusion into the final. I spend a considerable amount of time this week working on the MAIL 2 problem.



1032

I put in the following comp time this week:

Monday 7/6 - 4 hours - Alexander case Transcript and Search estimates

Tuesday 7/7 - 4 hours-Alexander case transcript and search estimate

Thursday 7/9 - 1 hour - Mail 2 problem

I spent some time this week discussing the FAX IBM gateway that I developed for OMB several years ago. Apparently OMB wants to replace its functionality on the NOTES side and has hired a contractor to accomplish this. I spoke with Randal Williams about the functionality.

Planned Activities for next week:

E 4020

1033

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Daniel A. Barry (CN=Daniel A. Barry/)

CREATION DATE/TIME: 13-OCT-1998 15:43:37.00

SUBJECT: ARMSTRONG Projects

TO: Joseph G. Kouba (CN=Joseph G. Kouba/)
READ: UNKNOWN

TO: Jung E. Hochuli (CN=Jung E. Hochuli/)
READ: UNKNOWN

TO: Christina L. Vanfossen (CN=Christina L. Vanfossen/)
READ: UNKNOWN

TEXT:
Chris

Per our meeting last week...

Here are the projects that I can see happening in the near term that are not currently budgeted for. It is arguable whether or not ARMS II is on the books ???

Let me know if you need any more info

I will keep this list up to date as I think of more stuff.

Later... Tony

1. ARMS TAPE CONVERSIONS

The current tapes that are produced from the ARMS system (Approx 500 per month) are not acceptable to NARA. Depending on the agreement we reach with NARA we may end up having to convert those tapes to a new format, the NARA format.

This project would take approximately 6-9 months to accomplish, (2 people for 3 months doing software development and 1 person for 3 months performing the processing)
There may be a requirement for additional hardware/software

Approximate cost \$350,000

This project would have to be initiated prior to Jan 1 2001 i.e. June 2000

2. MONITOR FACILITY REWRITE

The records management staff (Neil Doering) use a records monitor facility to review the EDP records on a regular basis for conformity to records management directives. This utility was developed in ALL-IN-1 and will have to be moved to another platform if/when we turn off ALL-IN-1.

Estimated cost:

\$200,000

E 4076



3. PROJECT X (MAIL 2) RECONSTRUCTION

Mail has to be recovered from Lotus backup tapes and place in ARMS

Estimated cost \$250,000

4. ARMS II

This project is the followon to the current ARMS system and would include:
Increased storage, improved search capability and intelligent record
scheduling.

Estimated cost \$3-5 M

Dorothy E. Cleal
03/17/99 03:11:47 PM
Record Type: Record

To: DeVera R. Patton/[REDACTED], Karl H. Heissner/[REDACTED]
cc: Nellie W. Doering/[REDACTED], James B. Wright/[REDACTED], Charles L. Sigman/[REDACTED]
Subject: Re: Cost of Tapes for Mail Backups

Is this something that NG should be doing under the base contract or not? Please let me soonest. Dottie Cleal
----- Forwarded by Dorothy E. Cleal/[REDACTED] on 03/17/99
03:10 PM -----

Nellie W. Doering
03/17/99 02:51:36 PM
Record Type: Record

To: Dorothy E. Cleal/[REDACTED]
cc: James B. Wright/[REDACTED], Charles L. Sigman/[REDACTED]
bcc:
Subject: Re: Cost of Tapes for Mail Backups

Dottie:

I received Chuck Sigman's memo on the cost. \$20,000 will only hold us until MAY.

The following is my understanding: (sorry this is so long)

PROBLEM:

The Server 2 Backup Tapes that were not records managed need to be restored and ultimately put into ARMS. These tapes have not been inventoried, documented, sampled, tested, or anything else according to Tony Barry. Consequently, all the servers are backed up on a regular basis and not recycled because it is one operation.

Apparently Tony tried to do something about it some time ago and NG said it was too much work and they needed an IWQ, etc., etc.. Subsequently, the project was turned over to SID because it was determined to be a "Lotus Notes" problem and not an "All-IN-1" problem. Sooooo --- as I understand it from Tony ---- the backup tapes just keep piling up and now are a complete mess and a mounting problem.

As long as the backup tapes keep piling up ----- its costing money.

It will cost money to do nothing.

It will cost money to get the basics done on the Server 2 backup tapes that were not records managed --- backup tape inventory, documentation, labeling, etc.

E 3837



Eventually, it will cost money to restore the backup tapes that were not

records managed.

SOLUTION:

The time period that the Lotus Notes were not records managed needs to be examined to find out exactly how many tapes are involved so it can be determined how long it will take to inventory, document, label, sample, test, etc. then so we have an idea of how long it will take. (This should be determined either before we buy new tapes if possible, or before May --- which means \$20,000 must be spent now).

It appears that SID (or whoever) needs to 1) instruct NG to separate the Server 2 Backup Tapes that were not records managed, and 2) further instruct NG to inventory, document, label, and anything else that needs to be done to them as soon as possible. Of course, these tapes need to be "secured" so that they are easily identified as the Server 2 Backup Tapes that were not records managed and identified as a "Project" that needs to be completed before the ARMS/NARA Conversion Project gets to those "dates" involved.

Once all of this is accomplished, (and verified by IS&T staff) the current backup tapes should start to be recycled on a normal schedule. The servers "Lotus Notes" are the same as the VAX "ALL-IN-1" and should be recycled on a normal basis --- daily, weekly. This will eliminate the need to buy more tapes.

Plan for the restoration of these backup tapes ---- including funding.

ACTION: Punt!! SMILE!!

Unfortunately, it looks like we need to stretch our resources once again. Tony seems to think that SID should make something happen. Perhaps they do not entirely understand the problem. Maybe SID, Jim W/Tony should meet and make a decision --- at least about getting these tapes inventoried, documented, labeled, etc.. I would be happy to attend the meeting. At least by doing this much, the backup tapes could begin to be recycled on a normal basis and we would not need to continue to buy new ones.

or -----

Keep buying tapes until the Y2K problems are completed. Then concentrate on the problem(s).

INACTION: The results of inaction now:

E 3839

1. Continue to buy more backup tapes. At what cost??
2. Unnecessary backup tapes keep piling up.
3. We still will not have an inventory, documentation, etc. of these backup tapes and is danger of loss and/or damage.
4. If a solution to restoring the backup tapes is not resolved soon --- this information will not get into ARMS in time for the reconversion to the NARA format.
5. This will probably mean a separate recovery project just for these backup tapes at a later time. Given it is getting close to transition --- this is really not acceptable.

Nell

1038

P.S. Tony and I are going to meet with Karl tomorrow on the subject of

E 3840

1039

restoration of the Server 2 backup tapes that were not records managed.
I am forwarding him a copy of this memo so he knows about the other
related problems.

Dorothy E. Cleal
03/16/99 02:36:20 PM
Record Type: Record

To: Charles L. Sigman/[REDACTED]
cc: James B. Wright/[REDACTED] Nellie W. Doering/[REDACTED]
Subject: Re: Cost of Tapes for Mail Backups

What is our intended solution to this issue? Dottie Cleal

E 3841

1040

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Karl H. Heissner (CN=Karl H. Heissner/)

CREATION DATE/TIME:18-MAR-1999 13:04:26.00

SUBJECT:: Re: Cost of Tapes for Mail Backups

TO:DeVere R. Patton (CN=DeVere R. Patton/)
READ:UNKNOWN

CC:Charles L. Sigman (CN=Charles L. Sigman/)
READ:UNKNOWN

CC:Nellie W. Doering (CN=Nellie W. Doering/)
READ:UNKNOWN

CC:James B. Wright (CN=James B. Wright/)
READ:UNKNOWN

CC:Dorothy E. Cleal (CN=Dorothy E. Cleal/)
READ:UNKNOWN

TEXT:

Operations is not an area under my purview, but I offer the following recommendation:

After NG makes the determination that the Records Management process is working properly (see Tony's e-mail from today concerning what may be the continuation of the old Mail2 problem on a smaller scale) and confirms that fact, that they be asked to resume the re-cycling of backup tapes according to documented schedules and procedures by the Operations Manager while preserving backup MAIL2 server backup tapes created between 1998 and now ("now" to be defined).

Hope this helps.

DeVere R. Patton 03/18/99 11:11:45 AM

Record Type: Record

To: Dorothy E. Cleal/
cc: Karl H. Heissner/ Nellie W. Doering/ James B. Wright/
Charles L. Sigman/
bcc:
Subject: Re: Cost of Tapes for Mail Backups

E 3836

From my understanding, this was a problem that NG inherited and (true to NG form) have done nothing but continue the practice. To answer your question, yes, it is something that NG should be doing under the base contract. However, once tapes have been inventoried, documented, etc. only half of the problem will be solved. We will still have to purchase the backup tapes until the Government decides on procedures to implement a restoration plan. This is where my knowledge of the situation becomes shady. I believe the responsibility falls in Karl's area and I understand he is having a meeting on the restoration project today.

DeVere R. Patton 03/18/99 11:11:45 AM

Record Type: Record

To: Dorothy E. Cleal [REDACTED]
cc: Karl H. Heissner/[REDACTED], Nellie W. Doering [REDACTED], James B. Wright/[REDACTED], Charles L. Sigman/[REDACTED]
bcc:
Subject: Re: Cost of Tapes for Mail Backups

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Dorothy E. Cleal
03/17/99 03:11:47 PM
Record Type: Record

To: DeVere R. Patton [REDACTED], Karl H. Heissner [REDACTED]
cc: Nellie W. Doering [REDACTED], James B. Wright [REDACTED], Charles L. Sigman [REDACTED]
Subject: Re: Cost of Tapes for Mail Backups

Is this something that NG should be doing under the base contract or not? Please let me soonest. Dottie Cleal
----- Forwarded by Dorothy E. Cleal/OA/EOP on 03/17/99
03:10 PM -----

Nellie W. Doering
03/17/99 02:51:36 PM
Record Type: Record

To: Dorothy E. Cleal [REDACTED]
cc: James B. Wright [REDACTED], Charles L. Sigman [REDACTED]
bcc:
Subject: Re: Cost of Tapes for Mail Backups

E 3849

Dottie:

I received Chuck Sigman's memo on the cost. \$20,000 will only hold us until MAY.

The following is my understanding: (sorry this is so long)

1042

PROBLEM:

E 3850

The Server 2 Backup Tapes that were not records managed need to be restored and ultimately put into ARMS. These tapes have not been inventoried, documented, sampled, tested, or anything else according to Tony Barry. Consequently, all the servers are backed up on a regular basis and not recycled because it is one operation.

Apparently Tony tried to do something about it some time ago and NS said it was too much work and they needed an IWO, etc., etc.. Subsequently, the project was turned over to SID because it was determined to be a "Lotus Notes" problem and not an "All-IN-1" problem. Sooooo --- as I understand it from Tony ---- the backup tapes just keep piling up and now are a complete mess and a mounting problem.

As long as the backup tapes keep piling up ----- its costing money.

It will cost money to do nothing.

It will cost money to get the basics done on the Server 2 backup tapes that were not records managed --- backup tape inventory, documentation, labeling, etc.

Eventually, it will cost money to restore the backup tapes that were not records managed.

SOLUTION:

The time period that the Lotus Notes were not records managed needs to be examined to find out exactly how many tapes are involved so it can be determined how long it will take to inventory, document, label, sample, test, etc. then so we have an idea of how long it will take. (This should be determined either before we buy new tapes if possible, or before May --- which means \$20,000 must be spent now).

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Once all of this is accomplished, (and verified by IS&T staff) the current backup tapes should start to be recycled on a normal schedule. The servers "Lotus Notes" are the same as the VAX "All-IN-1" and should be recycled on a normal basis --- daily, weekly. This will eliminate the need to buy more tapes.

Plan for the restoration of these backup tapes ---- including funding.

ACTION: Punt!! SMILE!!

E 3851

Unfortunately, it looks like we need to stretch our resources once again. Tony seems to think that SID should make something happen. Perhaps they do not entirely understand the problem. Maybe SID, Jim W/Tony should meet and make a decision --- at least about getting these tapes inventoried, documented, labeled, etc.. I would be happy to attend the meeting. At least by doing this much, the backup tapes could

1044

begin to be recycled on a normal basis and we would not need to continue

E 3852

to buy new ones.

or -----

Keep buying tapes until the Y2K problems are completed. Then concentrate on the problem(S).

INACTION: The results of inaction now:

1. Continue to buy more backup tapes. At what cost??
2. Unnecessary backup tapes keep piling up.
3. We still will not have an inventory, documentation, etc. of these backup tapes and is danger of loss and/or damage.
4. If a solution to restoring the backup tapes is not resolved soon --- this information will not get into ARMS in time for the reconversion to the NARA format.
5. This will probably mean a separate recovery project just for these backup tapes at a later time. Given it is getting close to transition --- this is really not acceptable.

Neil

P.S. Tony and I are going to meet with Karl tomorrow on the subject of restoration of the Server 2 backup tapes that were not records managed. I am forwarding him a copy of this memo so he knows about the other related problems.

Dorothy E. Cleal
03/16/99 02:36:20 PM
Record Type: Record

To: Charles L. Sigman
cc: James B. Wright, Nellie W. Doering
Subject: Re: Cost of Tapes for Mail Backups

What is our intended solution to this issue? Dottie Cleal

process so this problem did not happen again. In December of 1998 a task was initiated to develop a solid baseline of the LN/ARMS Interface software. This effort, once completed, will allow for future changes and fixes to be incorporated into the ARMS software. The task is being led by myself and the completion date of this task (baseline of LN/ARMS Interface) is projected by the end of April to mid May. Any fixes or modifications to the software will need to be scheduled after this date.

What is the current status of the problem?

Phase I

John Spriggs and myself worked together in completing phase I. I worked on the software end of things, while John Spriggs worked and coordinated the hardware end of things. John Spriggs was the person responsible for running and monitoring this process. This phase was completed on 11/23/98.

Phase II

John Spriggs submitted a proposal for Phase II. I am not aware of the status of this proposal.

LN/ARMS baseline

Still ongoing. Projected date of completion is by the end of April to mid May.

What does NG propose to correct the problem and when will it happen?

Please see answers above.

What versions of Lotus Notes were being used during that period?

Lotus Notes 4.1

Michael E. Ritter
04/01/99 01:21:45 PM
Record Type: Record

To: Yiman E. Salim [REDACTED], Robert W. Haas [REDACTED], John E. Spriggs [REDACTED], Sandra L. Golas [REDACTED]
cc: Joseph A. Vasta [REDACTED]
Subject: Mail2

I have been tasked with making a report with respects to the "Mail2 situation". The report must examine the following areas:

When did NG first become aware of the existence of the problem?

When did NG identify the causes of the problem?

What did NG discover as the causes?

When did NG correct, or thought we had, the problem?

E 3884

What was the corrective action?

What is the current status of the problem?

What does NG propose to correct the problem and when will it happen?

What versions of Lotus Notes were being used during that period?

As you know, I'm new here with NG, and I don't know the whole story. What I want each of you to do is to e-mail me with your response to the above questions. Try to be as close on dates as possible. You may use conjecture, but please indicate when doing so. Otherwise, stick to the facts as you know them. I want this to be done independent of each other




1047

and I need your e-mailed responses prior to 2:00 p.m. on Friday, April 2.

E 3885

1048

If there is a reason this deadline cannot be made, see me.
I apologize for the short notice on this, but...surprise...it's a
Government requirement.

Eric Ritter


E 3886

1049

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Albert F. Leister Jr (CN=Albert F. Leister Jr/ [REDACTED])

CREATION DATE/TIME: 21-MAY-1999 14:56:15.00

SUBJECT: Re: Mail Server 2 Problem

TO: Dorothy E. Cleal (CN=Dorothy E. Cleal/ [REDACTED] [OA])
READ: UNKNOWN

TEXT:
I assume you are asking about the Mail2 problem which took place last
fall. The answer is yes; the backup tapes are in the DC.
Al

E 3973



1050

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: James B. Wright (CN=James B. Wright/)

CREATION DATE/TIME: 24-JUL-1998 17:05:25.00

SUBJECT: RE: Wkly Rpt Ending 7/24/98 from Nell and Tony

TO: Kathleen K. Gallant (CN=Kathleen K. Gallant/)
READ: UNKNOWN

CC: James B. Wright (CN=James B. Wright/)
READ: UNKNOWN

TEXT:

----- Forwarded by James B. Wright/ on 07/24/98
05:18 PM -----

Nellie W. Doering
07/23/98 04:34:25 PM
Record Type: Record

To: James B. Wright/
cc: Kathleen K. Gallant/
Subject: RE: Wkly Rpt Ending 7/24/98

Please find the attached report from Nell Doering and Dale Miller.

Nell

----- Forwarded by James B. Wright/ on 07/24/98
05:18 PM -----

DANIEL A.
BARRY
07/24/98 12:18:31 PM

Record Type: Record

To: James B. Wright/
cc:
Subject: Weekly for 7/24/98

E 3989

E-mail reconstruction activity

I attended the regular reconstruction status meeting this week. I was informed this week that a problem had been uncovered in the process the reconstructs the pager data. The problem caused valid pager messages to appear as duplicates and therefore not get processed. The problem has now been fixed for the current and future process cycles but will have to be fixed for process cycles 1-9 (The previously delivered cycles). This problem will be corrected when the delivered tapes are cut to resolve the other two problems uncovered after production began (Truncation and incorrect file structure on anomaly records). I have received a goods and services request covering the purchase of new



disks. I will review this next week and decide how to proceed. These disks will be needed prior to commencing the Daily tapes and they will allow more efficient processing if we purchase them sooner.

ARMS activity

I coordinated the completion of 2 searches this week. One was a FOIA for CEQ records and the other was for WHO records. I spent a lot of time this week (10 hours) nursing both the tape processing for ARMS as well as the regular records processing through their respective stages. The communications between the NOTES data and the ARMS system failed last week and the backup caused severe delays in processing that spilled over into this week. There also seems to have been an increase in traffic which further exacerbated the situation. I will continue to monitor the process so that it does not fall behind again. I have been contacted by WHO counsel (Karl Racine and Dimitri Nionakis) regarding two separate Search requests. I have only received 1 of them thus far and I will try to get it running over the weekend.

FAMCO Contract

I attended a meeting with the NG project manager and the COTR in preparation for my role next week as acting COTR.

Additional activities

I continue to be involved in discussions regarding the MAIL2 problem but ~~there has been no movement thus far on correcting the problem or getting the data over to ARMS.~~ The plan for fixing the problem has been submitted.

Planned Activities for next week:

I will be acting COTR for the NG contract next week.
I plan on getting the 2 search requests under way.

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D25]MAIL496037011.226 to ASCII,
The following is a HEX DUMP:

E 3990

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1052

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E 3991

[illegible]

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 656374656480737461666680746F8072657669657780746865804E415241807175657374696F6E
 6E616972658074686174806973D0011500000B00090001F02740232F0001201500D0746F806163
 636F6D70616E7980746865804F41807363686564756C6580746F804E4152412E8484372F31332F
 39388072657669657765648066696C6C656480696E807175657374696F6E6E6169726580848073
 656E74806F6E65806D696E6F72806368616E6765CF666F727617264808484846F6E80676F696E
 678070726F6A6563742E808080CC9CCC4F4E44435098808480372F312F39388048617665807370
 6F68656E80746F8044616E805261746865722F4F4E4443502F474380616E648077658077696C6C
 806D656574806E657874807765656B80746F807265766965778074686580475253CF3230807072
 6F626C656D80616E6480636F6D658075708077697468806180706C616E80746F80736368656475
 6C65807468656972807265636F72647380372F31342F39388084842874696D6580646964806E6F

1060

74007065726D69748061806D656574696E678074686973CF77656568808484806D61796265806E

E 3999


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6578748077656568292E8484846F6E80676F696E678070726F6A6563742EF20CF2D0041500000B
00090001702CC027350001201500D0CC45844D61696C805265636F6E737472756374696F6E8041
637469766974696573F30CF33A80804E6F6E652E808080D0061500000B00090001F02D40293700
01201500D0F20CF2CC50524F46533AF30CF380372F312F39388084804A61736F6E804261726F6E
80616C736F80696E71756972656480617380746F807768656E80746869738070726F6A65637480
77617380676F696E6780746F80626580636F6D706C657465642E80804865806973D0011500000B
00090001B0040000000001201500D0737570706F73656480746F80636F6E74616374804E415241
80436F756E73656C804D697269616D804E657362697480726567617264696E6780746865807363
686564756C696E7806F6680746865806261636B757080746170657380666F72D0031500000B00
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616C80686173806265656E806163636570746564806279804E4152412ECCF20CF2CC41726D7380
49493A8080F30CF34E6F6E652E808080F20CF2808080F30CF38080F20CF28080F30CF3D0041500
000B00090001B0040000000001201500D0F20CF24F7468657280416374697669746965733A80F3
0CF3D0041500000B00090001B0040000000001201500D084809C372F32332F39389B8084804174
74656E6465648049544D542F446F63804D616E6167656D656E748047726F7570806D65674696E
672ECC
===== END ATTACHMENT 1 =====

```

E 4000

1062

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Sandra L. Golas (CN=Sandra L. Golas/[REDACTED])

CREATION DATE/TIME: 1-SEP-1998 15:36:43.00

SUBJECT: meeting

TO: Joseph A. Vasta (CN=Joseph A. Vasta/[REDACTED])

READ: UNKNOWN

TEXT:

Have you talked to Mark Lindsey yet?

----- Forwarded by Sandra L. Golas/[REDACTED] on 09/01/98
03:23 PM -----

James R. Webster

09/01/98 03:20:14 PM

Record Type: Record

To: John E. Spriggs/[REDACTED], Sandra L. Golas/[REDACTED], Robert W. Haas/[REDACTED]
cc: Yiman F. Salim/[REDACTED]
Subject: meeting

John, Sandy, & Bob,

I have received the following request from Tony Berry to set up meeting to discuss our favorite issue. Please let me know when you have reached an agreement with NG management that will permit us to work together to complete this task. I will tell Tony that I will have to delay any meeting until we resolve some internal issues.

Respectfully,
Jim Webster

----- Forwarded by James R. Webster/[REDACTED] on 09/01/98
03:17 PM -----

DANIEL A.

BARRY

09/01/98 03:15:24 PM

Record Type: Record

To: James R. Webster/[REDACTED]
cc: James B. Wright/[REDACTED]
Subject: meeting

E 4012

Jim;

I spoke to Kathy Gallant this morning about the mail2 problem and as a result I would like to have a meeting to discuss the plan/approach for proceeding. I think Sandy Bob Haas and John spriggs ought to be there also.



1063

Let me know when is good for you.

Later... Tony

E 4013

1064

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Daniel A. Barry (CN=Daniel A. Barry/[REDACTED])

CREATION DATE/TIME: 15-SEP-1998 10:25:10.00

SUBJECT: Mail 2 project meeting

TO: James R. Webster (CN=James R. Webster/[REDACTED] DA 1)

READ: UNKNOWN

CC: Kathleen K. Gallant (CN=Kathleen K. Gallant/[REDACTED] DA 1)

READ: UNKNOWN

CC: James B. Wright (CN=James B. Wright/[REDACTED] DA 1)

READ: UNKNOWN

TEXT:

Jim Webster:

It was my understanding from our meeting with Kathy Gallant last Friday
that we were to have a followon meeting this morning at 10am to go over
your plan for "righting the wrong" phase of this project.
By your absence I assume the meeting was cancelled ?

Please let us know when you plan to have this meeting.

Thanks.

Later... Tony

E 4015

1065

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Daniel A. Barry (CN=Daniel A. Barry/[REDACTED])

CREATION DATE/TIME: 16-NOV-1998 13:13:21.00

SUBJECT: MAIL 2 issues

TO: Karl H. Heissner (CN=Karl H. Heissner/[REDACTED])
READ: UNKNOWN

TEXT:
----- Forwarded by Daniel A. Barry [REDACTED] on 11/16/98
01:13 PM -----

DANIEL A.
BARRY
11/16/98 08:06:35 AM

Record Type: Record

To: Sheryl L. Hall [REDACTED], John E. Spriggs [REDACTED], Joseph A. Vasta [REDACTED]
cc: James B. Wright [REDACTED]
Subject: MAIL 2 issues

Sheryl, Joe, John;

I would like to meet today to discuss a course of action on moving the
MAIL 2 reconstruction project forward. How does 2pm sound ??
Joe can we have the meeting in your conference area ?

Later... Tony

E 4048



1066

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Daniel A. Barry (CN=Daniel A. Barry/ [REDACTED]

CREATION DATE/TIME: 2-DEC-1998 13:22:53.00

SUBJECT:: ROM for MAIL2 project

TO: Karl H. Heissner (CN=Karl H. Heissner/ [REDACTED]

READ: UNKNOWN

TEXT:
Karl;

At the NG/COTR meeting this morning, NG gave us the Rough Order Of
Magnitude cost to perform the MAIL2 IWO (That you have) at \$602,492.00.
This price does NOT include the cost to do the actual restoration that
will come as a separate IWO as a result of this IWO.

Later... Tony

E 4050



1067



Karl H. Heissner

03/17/99 07:44:04 AM

Record Type: Record

To: Nellie W. Doering/[REDACTED] Daniel A. Barry/[REDACTED] Mark H. Bartholomew/[REDACTED]

cc:

Subject: Mail2 Server Record Recovery

Let's meet tomorrow, Thursday, at 11 a.m. in my office to discuss the technical issues related to the Mail2 Server Record Recovery which needs to be completed before the end of the current Administration.

Thanks for helping to shed some light on the technical side of this problem. I made some recommendations to the AD for IS&T last year, and she has asked for more detailed information and a plan.



E 1896



Karl H. Heissner

03/19/99 07:38:46 AM

Record Type: Record

To: Nellie W. Doering/[REDACTED], Daniel A. Barry/[REDACTED], Mark H. Bartholomew/[REDACTED]
 cc: Dorothy E. Cleal/[REDACTED]
 Subject: Minutes: Mail2 Server Reconstruction

SUMMARY

Nell, Tony and I met yesterday to discuss how to proceed with planning the recovery of non-records managed e-mail sent to some EOP users on Mail Server MAIL2 between 1996 and 1998.

The recommendations made earlier this year and shown below are still valid.

Action Items

Tony Barry: Initiate action through appropriate channels to ask NG to research the potential problem identified recently when it was discovered that when the Mail2 Server userids were corrected last year the Millenium Council, an inactive account, was not corrected. NG is being asked to research the problem, to make sure all userids, active or inactive, on Mail2 are now correct, and to report its findings.

Karl Heissner: Initiate action through appropriate channels to ask NG to develop an inventory of Lotus Notes E-mail Server Mail 2 system backup tapes currently at the EOPDC, and to include the Name and Address Directory in the list of objects which will need to be restored.

Karl Heissner: Initiate action through appropriate channels to ask NG to write a report containing technical documentation describing the causes and their impact on Mail operations, a description of the operating environment in which the problem occurred, and a history of the problem.

Karl Heissner: Obtain management direction to proceed with the work. Develop a strategy for remedial action for record recovery. Action had been pending awaiting direction to proceed and the identification of a source of funding from OA counsel. Joe Kuba today indicated that OA Counsel had approved using Armstrong Funds for this work.

Note: According to yesterday's memorandum from Kate Anderson this project is currently on HOLD awaiting approval from OA Counsel.

Attachment

IS&T INTERNAL
MEMORANDUM - DRAFT



E 1882

1069

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Dorothy E. Cleal (CN=Dorothy E. Cleal/)

CREATION DATE/TIME: 9-APR-1999 17:42:23.00

SUBJECT:: New ARMS issue

TO: Michael J. Lyle (CN=Michael J. Lyle/)
READ: UNKNOWN

CC: Mark F. Lindsay (CN=Mark F. Lindsay/)
READ: UNKNOWN

TEXT:

I have been working this issue as a part of the cost evaluation of the back up tapes and found out today that there are additional files that have not been records managed. I will provide a full update after my Monday meeting on this. I will set up a meeting to discuss the ramifications with OGC. This is Amazing!!!!
----- Forwarded by Dorothy E. Cleal/ on 04/09/99
05:40 PM -----

Karl H. Heissner
04/09/99 03:39:18 PM
Record Type: Record

To: Dorothy E. Cleal/
cc:
Subject: New ARMS issue

Dottie:

Tony and I met with Bob Whiteman and some of NG's technical people a few minutes ago to discuss this reported failure. They will develop a detailed workplan by Monday to correct this problem.

NG and Government technical staff had just met earlier this afternoon to develop the technical solutions to correct other problems related to unrecordsmanaged e-mail so that re-cycling of mail server backup tapes could commence ASAP. The development work is to begin on Monday, and the technical solution developed for those problems can also correct this new problem.

Bottom Line: The problem is somewhat under control... Will keep you informed. All's - sort-of - well! Have a good weekend.

Karl
----- Forwarded by Karl H. Heissner/ on 04/09/99
03:32 PM -----

Robert E. Whiteman
04/09/99 02:55:33 PM
Record Type: Record

E 3948



1070

To: Karl H. Heissner/04/09/99
cc: See the distribution list at the bottom of this message
Subject: New ARMS issue

The following issue was brought to my attention for action. NG requests an immediate meeting to discuss the issue.

----- Forwarded by Robert E. Whiteman/04/09/99 02:51 PM -----

Marvin Miller
04/09/99 02:07:39 PM
Record Type: Record

To: Robert E. Whiteman/04/09/99
cc: Yiman F. Salim/04/09/99
Subject: New ARMS issue

Bob here is write-up about the new ARMS issue.

Marvin Miller & Yiman Salim

During the configuration of the LN/ARMS test environment, a problem came to our attention concerning the Records Management production system. It was discovered that user's first names that start with the letter "D" have not been records managed since November of 1998. The problem was determined to be a configuration error made correcting an ARMS system failure.

ARMS System Failure Description

The ARMS system failure that occurred in November was due to a 64 KB buffer overflow. This 64 KB buffer limitation is inherent in Lotus Notes. To accommodate this limitation, ARMSCAN uses five views in the Name and Address Book. Each view represents a section of the alphabet. When a view has too many names in it, the buffer limit is reached and the ARMSCAN process fails. As users are added to the Notes environment and not removed, the names in the address book increase and the size of these views increase subsequently causing a 64 KB buffer overflow.

Configuration Error Description

E 3949

Each of the five ARMS view in the address book are defined by letters in the alphabet. To manipulate a view so it does not violate the 64 KB buffer limitation in Notes, the view must be reprogrammed / designed by shuffling letters between views. At the end of each shuffle, the number of names in each view are counted. The ARMS error is resolved only when all views do not violate the 64 KB buffer limit. Once the reprogramming of the views is completed, the change is replicated from "Mail1" to the other Lotus Notes mail servers. During this process in November, the letter "D" was inadvertently omitted and the letter "J" was added twice. In omitting the letter "D", all users on all mail servers whose first names begin with "D" stopped being records managed. Having the letter "J" in the views twice did not and will not cause documents to be records

1071

managed twice.

E 3950

Recommend Solution

This problem can be resolved the same way the Mail2 problem is being resolved. First, a tape backup of all affected databases must be verified. Second, a Notes agent needs to run tagging all unrecorded messages in these databases as having been records managed. Third, the configuration error need to be corrected re-enabling records management for these databases. Finally, these databases need to be included in the ongoing mail recovery effort.

Preventative Solution

An agent can be designed to audit all mail databases and report on any mail database not being records managed. In implementing this solution, mail server performance and capacity need to be consider.

Message Copied

To:

Mark H. Bartholomew
Daniel A. Barry
Michael E. Ritter
Yiman F. Salim
Dorothy E. Cleal

1073

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Michael J. Lyle (CN=Michael J. Lyle/)

CREATION DATE/TIME: 12-APR-1999 08:37:49.00

SUBJECT: New ARMS issue

TO: Catherine S. Anderson (CN=Catherine S. Anderson/)
READ: UNKNOWN

TEXT:

It looks like we are off to a good start this week. Please stop by so that we can discuss.--Mike ----- Forwarded by Michael J. Lyle on 04/12/99 08:36 AM -----

Dorothy E. Cleal
04/09/99 05:42:40 PM
Record Type: Record

To: Michael J. Lyle
cc: Mark F. Lindsay
Subject: New ARMS issue

I have been working this issue as a part of the cost evaluation of the back up tapes and found out today that there are additional files that have not been records managed. I will provide a full update after my Monday meeting on this. I will set up a meeting to discuss the ramifications with DGC. This Is Amazing!!!!
----- Forwarded by Dorothy E. Cleal on 04/09/99 05:40 PM -----

Karl H. Heissner
04/09/99 03:39:18 PM
Record Type: Record

To: Dorothy E. Cleal
cc:
Subject: New ARMS issue

E 3887

Dottie:

Tony and I met with Bob Whiteman and some of NG's technical people a few minutes ago to discuss this reported failure. They will develop a detailed workplan by Monday to correct this problem.

NG and Government technical staff had just met earlier this afternoon to develop the technical solutions to correct other problems related to unrecordsmanaged e-mail so that re-cycling of mail server backup tapes could commence ASAP. The development work is to begin on Monday, and the technical solution developed for those problems can also correct this new problem.

1074

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Daniel A. Barry (CN=Daniel A. Barry/ [REDACTED]

CREATION DATE/TIME: 13-APR-1999 15:34:40.00

SUBJECT: Info re what Legal owes us

TO: Nellie W. Doering (CN=Nellie W. Doering/ [REDACTED]

READ: UNKNOWN

TEXT:

1. Authorization to delete the records identified in our records schedule
2. Guidance on how/if to proceed with Tape reformatting project
3. Guidance on how/if to proceed with MAIL 2 problem/fix
4. Guidance on how to proceed with principals bulk mail

E 3938



1075

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: James B. Wright (CN=James B. Wright/)

CREATION DATE/TIME: 30-AUG-1999 09:45:54.00

SUBJECT: Armstrong Talking Points, need feedback by noon tomorrow, Wed, 4/21

TO: Daniel A. Barry (CN=Daniel A. Barry/) [OA]

READ: UNKNOWN

TEXT:

FYI

----- Forwarded by James B. Wright/ on 08/30/99
09:45 AM -----

Nellie W. Doering
08/27/99 11:34:22 AM
Record Type: Record

To: James B. Wright/
cc:
Subject: Armstrong Talking Points, need feedback by noon tomorrow,
Wed, 4/21

JIM: FYI
----- Forwarded by Nellie W. Doering/ on 08/27/99
11:33 AM -----

Joseph G. Kouba
04/20/99 02:56:37 PM
Record Type: Record

To: Dorothy E. Cleal/ , Karl H. Heissner/
Daniel A. Barry/ , Nellie W. Doering/
cc: Christina L. Vanfossen/
Subject: Armstrong Talking Points, need feedback by noon tomorrow,
Wed, 4/21

The following are the proposed talking points for my Thursday analysis meeting with Virginia Apuzzo. The briefing materials must be to Virginia's office by COB, 4/21.

Please review, comment, add or delete information, and return to me. This draft is based on my conversations with Karls Heissner and Tony Barry. I hope it is accurate.

7. Armstrong Account

OA Available Balance	\$981
NSC Available Balance	1,300
USTR Available Balance	

TOTAL

11



E 3881

ARMS/NARA Tape Conversion:

OA is awaiting word from OMB on the status of the \$500K that might be transferred from NARA to the Office of Administration for the ARMS/NARA tape conversion. Mike Lyle is working with OMB to accomplish the transfer.

No determination on the use of Armstrong funds for the ARMS/NARA tape conversion will be made until the issue of the \$500K NARA transfer is settled.

IST has a draft project plan for the ARMS/NARA tape conversion and will proceed once the General Counsel has secured funding. If no determination is made before the end of the Clinton Administration, OA will be unable to transfer the Clinton tapes to NARA.

MAIL2 Reconstruction:

Phase 1: IST is working to ensure that all e-mail is properly records managed. Current problem only impacts incoming e-mail to individuals whose name begins with D.

Phase 2: Need to make legal determination that reconstruction is required by the court case and that this is a legitimate use of Armstrong funds.

Current status: IST is working on phase 1. No current action on phase 2.

1077

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Dorothy E. Cleal (CN=Dorothy E. Cleal/)

CREATION DATE/TIME: 1-FEB-1999 12:52:36.00

SUBJECT: Appropriations Hearing Issue Papers

TO: James B. Wright (CN=James B. Wright/)
READ: UNKNOWN

TO: Sharon L. Mitchell (CN=Sharon L. Mitchell/)
READ: UNKNOWN

TO: Timothy L. Fuller (CN=Timothy L. Fuller/)
READ: UNKNOWN

TO: Terrence J. Misich (CN=Terrence J. Misich/)
READ: UNKNOWN

TO: Daniel A. Barry (CN=Daniel A. Barry/)
READ: UNKNOWN

TO: Karl H. Heissner (CN=Karl H. Heissner/)
READ: UNKNOWN

TO: Charles L. Sigman (CN=Charles L. Sigman/)
READ: UNKNOWN

TO: Richard S. McKay (CN=Richard S. McKay/)
READ: UNKNOWN

TO: Howard M. Sparks (CN=Howard M. Sparks/)
READ: UNKNOWN

TEXT:

I am scheduling a 4 p.m. meeting this afternoon to go over the targeted issue papers that IS&T will need to respond to by Thursday for a prebrief that I have been asked to attend. I am providing you a copy of the initial list that needs to be worked on and I need you help with the following areas. We will discuss briefly this afternoon so that you get all (or as much info as I have available) the info that you need to work on this. The meeting should not take more than 15-30 minutes. This will be a work in progress. I will discuss the format, etc. during the meeting this afternoon.

OMB VDC - James Wright/Chuck Sigman
EOP Year 2000 Strategic Plan - Tim Fuller/Rich McKay
Statistical Data (as provided in Y2K Weekly Report) - Terry Misich
Y2K Monthly Benchmarks/Schedules - Terry Misich/David Breece
Impact of Change on Y2k Coordinators -Dottie Cleal
Impact of Change in Associate Director for IS&T - Dottie Cleal
Status of GSA Y2K efforts within EOP - Larry Handeland
Supplemental Funding Requirements - Terry Misich/Chuck Sigman
Compliance of Mission Critical Systems by March 31, 1999
EOP Mirroring DOT's Test and Renovation Plans - Terry
Misich/David Breece
Status of overall Firewall - System Administrator ???



Information Technology Architecture - Rich McKay/Tim Fuller
 ITA Management and Implementation Plan- " " "
 Business Improvements - Same as above
 IT Security - Chuck Easley/ Jaime Borrego
 CIP - Chuck Sigman
 Mill 2 Reconstruction - Tony Barry
 EOP Disaster Preparedness Plan - Jim Wright
 Y2K Contingency Plans - Terry Misich, et al

1079

DANIEL A.
BARRY

01/06/99 02:10:30 PM



Record Type: Record

To: James B. Wright/[REDACTED]
cc: Christa Moyle/[REDACTED]
Subject: Weekly for 01/08/99

This Weekly contains some data from the week of 12/28 - 12/31:

Y2K Activities

- I am still awaiting a response from the Y2K procurement process regarding the fate of the ARMS SOW I but together and submitted several weeks ago. I prepared a quick memo for Terry Misich regarding personnel qualifications and resource quantities it would take to do the work inhouse.
- I am working with NG to get a project plan for the VAX hardware upgrade for Y2K.

E-mail reconstruction activity

- I attended the weekly E-mail reconstruction status meeting this week. Issues that were discussed were staffing schedules and coverage over the various holidays and the schedule for performing the previously identified re-work against PC1-PC14. At this point is is anticipated that all the cleanup work will be completed by Jan 29 and processing of the dailies will begin immediatly there after. The project is scheduled to be completed by the end of FY99.
- I delivered 7 tapes to NARA on 12/29/98 along with a memo and our 12 responses to NARA's 12 issues regarding the data on the tapes. I am awaiting their response (by Jan 11) before deciding how to allocate the 8 hours of Royces time we have left, i.e. answering additional questions or recutting the final tape that NARA overwrote. I conducted another conference call with NARA and EOP this week to discuss more of their issues.

ARMS activity

- I have been working through several issues regarding huge attachments associated with non work related E-mail that has become ever more prevelent throught the user community. I have been gathering statistics and data on this problem over the past several weeks and have been working these issues with OA Legal, IS&T management and staff.
- ✓ I worked during the week of 12/23 and 12/29 on an issue regarding mail to a certain user (Sidney Blumenthal) from and external source that was causing backups on EOP~~MRX~~. The mail was deleted from the users mailbox (With the user consent) but the issue arose as to whether it could be removed from ARMS. This issue is still being mulled by senior management and OA Counsel. The records are currently on hold pending an answer.
- I prepared several charts and graphs to illustrate the growth rate in the number and size of ARMS records recorded over the past 6 years. These statistic show a 20 fold increase in space utilization over the past 6 years. The original growth rate figure of 10% has been shown to be flawed.
- I am currently working on an E-mail search for the EOP security office. 3 boxes of printed records were delivered the the EOP security officer at 8:40 on Wed 1/6/99.

E 4286



- I have been in communication with Ellen Athas (CEQ Counsel) regarding searching information from the early 1993/1994 time frame. I have given her an estimate for performing such a search.

Additional activities

- I prepared and presented an ARMSTRONG projects briefing to the Associate Director of IS&T on 12/24 and a separate briefing to the OA General Counsel and Kate Anderson on 12/24. These briefings were a result of increased visibility on the part of the director of OA (Mark Lindsay) regarding the Armstrong account status and the several projects that may or may not be Armstrong related. I stressed the point that Counsel needs to be in the decision making process regarding what projects need to be moved forward (Project X, ARMS II, ARMS/NARA tape conversion) and which projects can legally be funded from armstrong (ARMS Y2K renovation, NOTES/ARMS interface, ALL-In-1 removal, VAX Y2K renovation) There are a lot of interrelated issues and questions surrounding all of these projects that need to be considered.

Contract Issues:

- I attended the weekly COTR meeting on 1/6/99. The following issues were addressed:

Data center operations:

Planned Activities for next week:

21/01/00
Tony

- Early 1998 (Jan)
 - email records search capability
 - realized missing e-mails
 - NG identified mail2 server problem
 - would not capture from case names
 - 400 users affected
 - ARMS interface problem
- Jun 98 problem discovered by NG & reported to CA Director
- * Govt responsible for setting up ~~accounts~~ accounts
 - NG setting up cycle of account review - omitted letter D capture.

Correction:

- Prob was fixed - 1998/Jan 1999
- if2 prob = Prob existed Nov 1996 → Jan 1999
- * Have backup tapes



E 4340

- 150 + \$ requested from N.G.
- exp. { -- research, equip, install = \$600K } R.O.M.
- ld { -- total = \$2M }

(2)

- NG corrective action plan

- Mail2 problem:
 - if typing in mail2 problem for address - lower case + would not save (Gov caused)
 - D problem = (NG problem)
 - Shared responsibility
- } only incoming from outside complex

- Don't have inhouse expertise to fix
 - Backup tapes not acceptable format
- ① - Can we submit to NARA without tape data
- ② Analysis of can the data be recovered.

(3)

- Measure % respon.

--Mail 2 = ^{AVG} ~~Nov~~ 96 — Jan 99

--Ltr D = Nov 98 — Jan 99

-- Tony researching magnitude of e-mails missing

• 850 tapes

• security issue = classified data on certain tapes

atr • Mail 2 may be classified as a Presidential record & may not need to be converted.

• NG used a s/B to do records conversion

→ does not have to be reconstructed because of computer problems

2 Mar

- Diana T
- Terry M
- Kate

Plan of Action :

- determine requirement

- provide estimated cost (Contract #1.7M Phase 1)

3 Mar

- brief Mike & options →

- work funding

- work "not doing"

wait "until directed"
and seek supplemental appropriations

• EC5: prev. experience; currently on-site
↳ 8(a) (on (un)strong effort)

June 19, 1998

*Prepared with
Laura Crofton/BSIT
6/19/98
HRE*

MEMORANDUM FOR JOHN D. PODESTA
ASSISTANT TO THE PRESIDENT AND
DEPUTY CHIEF OF STAFF

FROM: VIRGINIA M. APPUZO
ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: Technical Anomaly in Automated
E-Mail Records Management System

The Automated Records Management System (ARMS) is an information technology system designed to provide a comprehensive archive of e-mail sent and/or received within the Executive Office of the President (EOP). The main utility of the system is to provide a central e-mail repository with search and retrieval capability which ensures proper record keeping. An important function the system supports is the identification and retrieval of documents in response to information requests. The system has been in operation since October 17, 1996.

This memorandum is to advise you of an anomaly in the system involving the Mail2 server, which primarily supports the day-to-day e-mail traffic of the White House Office (WHO) and the Office of Policy Development (OPD). In identifying which messages to save from Mail2, the ARMS system was designed to recognize user identifications with an electronic "stamp" which reads "Mail2". However, when user identifications for WHO and OPD were entered into the system, the majority were hand-keyed using all capital letters as "MAIL2". Because ARMS was not programmed to recognize the all capital version, messages in certain categories for these Mail2 users have not been captured by or transferred to ARMS. These omitted types of e-mail include:

- Incoming Internet e-mail
- Delivery Reports (confirmation notification messages)
- Non-delivery reports (failure delivery messages)
- Return receipts
- Return non-receipts (return receipt failures)
- Trace reports (e-mail routing information)



For all other categories of e-mail, including outgoing Internet e-mail and e-mail between EOP users, the system appears to have

[C:\N\NL] [Page 2]

functioned as intended. Thus, e-mails in these categories (other than those which were specifically identified by EOP senders as non-records) have been preserved.

The Office of Administration (OA) is working to identify a means to repair the problem, and to preserve as many previously uncaptured messages as possible. I will keep you informed of our progress.

1087



Adam F. Greenstone
06/19/98 03:30:12 PM

Record Type: Record

To: Brooks E. Scoville/[REDACTED]

cc:

Subject: E-mail memo

Brooks--Here is our proposed memo on the ARMS anomaly. Adam



E-MAIL.1

E 4375

1088



Adam F. Greenstone
06/19/98 03:30:12 PM

.....

Record Type: Record

To: Brooks E. Scoville/ [REDACTED]

cc:

Subject: E-mail memo

Brooks--Here is our proposed memo on the ARMS anomaly. Adam



E-MAIL.1

E 4376

June 19, 1998

MEMORANDUM FOR JOHN D. PODESTA
ASSISTANT TO THE PRESIDENT AND
DEPUTY CHIEF OF STAFF

FROM: VIRGINIA M. APPUZO
ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: Technical Anomaly in Automated
E-Mail Records Management System

The Automated Records Management System (ARMS) is an information technology system designed to provide a comprehensive archive of e-mail sent and/or received within the Executive Office of the President (EOP). The main utility of the system is to provide a central e-mail repository with search and retrieval capability which ensures proper record keeping. An important function the system supports is the identification and retrieval of documents in response to information requests. The system has been in operation since October 17, 1996.

This memorandum is to advise you of an anomaly in the system involving the Mail2 server, which primarily supports the day-to-day e-mail traffic of the White House Office (WHO) and the Office of Policy Development (OPD). In identifying which messages to save from Mail2, the ARMS system was designed to recognize user identifications with an electronic "stamp" which reads "Mail2". However, when user identifications for WHO and OPD were entered into the system, the majority were hand-keyed using all capital letters as "MAIL2". Because ARMS was not programmed to recognize the all capital version, messages in certain categories for these Mail2 users have not been captured by or transferred to ARMS. These omitted types of e-mail include:

- Incoming Internet e-mail
- Delivery Reports (confirmation notification messages)
- Non-delivery reports (failure delivery messages)
- Return receipts
- Return non-receipts (return receipt failures)
- Trace reports (e-mail routing information)

For all other categories of e-mail, including outgoing Internet e-mail and e-mail between EOP users, the system appears to have functioned as intended. Thus, e-mails in these categories (other

1090

than those which were specifically identified by EOP senders as non-records) have been preserved.

The Office of Administration (OA) is working to identify a means to repair the problem, and to preserve as many previously uncaptured messages as possible. I will keep you informed of our progress.

E 4378

1091

DANIEL A.
BARRY

02/24/99 07:18:19 AM



Record Type: Record

To: Adam F. Greenstone/[REDACTED]
cc: See the distribution list at the bottom of this message
Subject: Re: Draft Hearing Preparation Paper [REDACTED]

Adam;

I made 2 corrections to 2 of your bullet items. The corrections are in blue below.
Also, No work has been done on the Mail 2 reconstruction as is stated in your bullet in red below. I would suggest you talk with Karl Heisner for a status.

Mail 2 Reconstruction--Due to a technical anomaly (user identifications hand keyed into the E-mail system as all capitals), some White House and OPD e-mail was not captured in ARMS. Reconstruction has begun through periodic backup tapes. The estimated cost for this project is \$602,000.

All-in-One E-Mail Reconstruction--Pursuant to the Armstrong litigation, 75% complete. Last 25% to be completed by the end of fiscal 1999. Cost so far is \$4.5 million. Estimated further cost for completion is \$650,000.

Message Copied To:

James B. Wright [REDACTED]
/Timothy L. Fuller [REDACTED]
Terrence J. Misicki [REDACTED]
sigman_c [REDACTED]
Dorothy E. Cleary [REDACTED]
Christa Moyle [REDACTED]

E 4415



June 19, 1998

MEMORANDUM FOR MARK F. LINDSAY
CHIEF OF STAFF

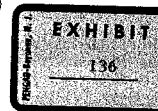
FROM: PAULETTE CICHON
DEPUTY DIRECTOR FOR INFORMATION MANAGEMENT

SUBJECT: Technical Anomaly in Automated
E-Mail Records Management System

The Automated Records Management System (ARMS) is an information technology system designed to provide a comprehensive archive of e-mail sent and/or received within the Executive Office of the President (EOP). The main utility of the system is to provide a central e-mail repository with search and retrieval capability which ensures proper record keeping. An important function the system supports is the identification and retrieval of documents in response to information requests. The system has been in operation since October 17, 1996.

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- Return receipts
- Return non-receipts (return receipt failures)
- Trace reports (e-mail routing information)



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1093

non-records) have been preserved.

IS&T is working to identify a means to repair the problem, and to preserve as many previously uncaptured messages as possible. I will keep you informed of our progress.

E 4426

Working Copy
with Draft
Meeting Notes

Draft

Current Records Management Issues

1094

Briefing for Beth Nolan
Counsel to the President

Michael J. Lyle, Director
✓ Jack Young, General Counsel
Kate Anderson, Assistant General Counsel

January 18, 2000



E 4429

Current Records Management Issues

- GRS xx - Information Technology Operations and Management Records
- Mail2 Configuration Issue
- Letter “D” Configuration Issue

1095

Public Citizen v. Carlin et al

- 1993 - D.C. Court of Appeals issues decision in *Armstrong v. EOP* holding that e-mail constitutes federal records
- 1995 - Carlin issues e-mail regulation requiring agencies to appropriately preserve and dispose of e-mail, and GRS 20 authorizing agencies to delete electronic copies of e-mail and word processing documents after they have been copied to an appropriate record-keeping system
- 1996 - Public Citizen files lawsuit challenging the Archivist's authority to issue GRS 20
- 1997 - District Court Judge Friedman issues declaratory judgment declaring GRS 20 to be 'null and void,' finding that the Archivist lacks the authority to issue government-wide schedule for disposing of "live" copies of e-mail and word processing documents and must make agency-by-agency determinations; Carlin tasks interagency working group to review GRS 20 and develop recommendations for its replacement
- 1998 - DOJ appeals
- 1999 - In response to the working group's recommendation, Archivist issues Bulletin 99-04 which requires agencies to revise their schedules to address electronic versions of e-mail and word processing documents; DC Circuit Court of Appeals reverses the District Court and upholds GRS 20; Public Citizen files petition for writ of certiorari; during November agency-wide meeting, overwhelming majority of agencies (19-3) vote to reinstate GRS 20, suspend 99-04, and continue dialogue; in December NARA issues new guidance suspending 99-04.

E 4431

(1) Agency Records Agency Specific Schedule

open up rule of litigation
by Carlin et al approved

delete live
copies of records
after they have been
copied to a record-keeping
system

voided
by the
Court of Appeals

D.C.

D.C. Cir.

[FRA] GRS xx - Information Technology [Solidy] Operations and Management Records

- GRS xx was drafted to replace GRS 20 after the District Court determined GRS 20 to be 'null and void'
- GRS xx duplicates coverage provided to program records under agency-specific records schedules and/or administrative records provided by existing general records schedules, including GRS 20
- GRS xx fails to address operational constraints
- GRS xx is ambiguous
- GRS xx needlessly requires agencies to retain separate record in IT operations and management file in addition to those already retained in program and administrative files
- Retention periods are too long, e.g. passwords, user ID's and profiles for 3 years
- GRS xx takes away the necessary discretion and flexibility previously afforded to agencies by GRS 20 and interferes with their IT missions (dispose of 3 yrs. after close of file vs. delete/destroy when no longer needed for administrative, legal, audit, or other operational use)
- In light of our recent victory in *Carlitt*, OA believes GRS xx is both unnecessary and overly burdensome

NARA not
assess that
GRS xx is
Supplement -
Bulky
Bulky
Change
issue

Substance:

1. Process Review not
Complete (with
b. P. # 10/10/10)

2. GRS xx is an
injury - note GRS is an
injury - notice & comment - rule. - need for GRS.

NARA covered - GRS xx. E 4432

16 NARA
Cost: 10/10/10

4/4
~~add~~
 to the end of the line
 for the end of the line



cost/benefit
 analysis
 1.0 analysis
 2.0 business model.

By File.

- (1) head Notes
 (2) head Backup Set / Decryption - Binary Nature of
 (3) Restore Mail File
 (4) Search for "wire" / mail 2
 for multiple sources.
-

E 4435

PRA & PRA

Letter "D" Anomaly

11/98 - 4/99

- EOP-wide -

Aloud
No. of
Est. of
#

- During the configuration of the LN/ARMS test environment, it was discovered that due to a configuration error made by NG, user's accounts with first names beginning with the letter "D" have not been records managed via ARMS since November of 1998
- Approximately 200 users from all EOP components were affected, including 42 WHO users
- Isolated to incoming non-Notes mail
- The configuration error has since been corrected, but unrecorded messages may have to be recovered pursuant to the Federal Records Act
- Plan to negotiate with NG to have them reconstruct the records at no cost to the Government

60
Pursued

For FRA: NGPT to say for
Referring to the
NGPT: No sign to 6/22
(No sign to 6/22)

E 4436

Logiem Problem -
Cells across EOP
agencies - Logiem
acting under cost
contract. ...

Timing

Jan 98 — W.L. Ocharne

150
1200's

1103

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Karl H. Heissner (CN=Karl H. Heissner/)

CREATION DATE/TIME: 7-APR-1999 13:26:26.00

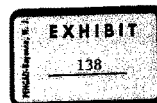
SUBJECT: Mail2 Problem

TO: Joseph A. Vasta (CN=Joseph A. Vasta/ UNKNOWN])
READ: UNKNOWN

TEXT:
URGENT

What is the status of the search/determination of currently still
unrecordsmanaged e-mail we discussed last week?
We must be able to determine how soon backup tapes may be re-cycled
properly.

E 3937



1104

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR:Karl H. Heissner (CN=Karl H. Heissner/[REDACTED])

CREATION DATE/TIME: 7-APR-1999 15:54:29.00

SUBJECT:: Mail12 Problem

TD:Daniel A. Barry (CN=Daniel A. Barry/[REDACTED])
READ:UNKNOWN

TD:Nellie W. Doering (CN=Nellie W. Doering/[REDACTED])
READ:UNKNOWN

TEXT:

FYI

----- Forwarded by Karl H. Heissner/[REDACTED] on 04/07/99
03:54 PM -----

Karl H. Heissner

04/07/99 01:26:52 PM

Record Type: Record

To: Joseph A. Vasta/[REDACTED]

cc:

Subject: Mail12 Problem

URGENT

What is the status of the search/determination of currently still
unrecordsmanaged e-mail we discussed last week?
We must be able to determine how soon backup tapes may be re-cycled
properly.

E 3843